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# THE LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT)

VOLUME VI, 1932

*(7th November to 28th November, 1932)*

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## FOURTH SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY, 1932



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# **Legislative Assembly.**

## ***President :***

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

## ***Deputy President :***

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

## ***Panel of Chairmen :***

SIR HARI SINGH GOUR, KT., M.L.A.

SIR ABDUR RAHIM, K.C.S.I., KT., M.L.A.

MR. G. MORGAN, C.I.E., M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

## ***Secretary :***

MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

## ***Assistants of the Secretary :***

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

## ***Marshal :***

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

## ***Committee on Public Petitions :***

MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman.*

MR. G. MORGAN, C.I.E., M.L.A.

MR. C. S. RANGA IYER, M.L.A.

SIR ABDULLA-AL-MAMUN SUHRAWARDY, KT., M.L.A.

MR. B. SITARAMARAJU, M.L.A.



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# LEGISLATIVE ASSEMBLY.

*Monday, 7th November, 1932.*

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The Assembly met in the Assembly Chamber of the Council House in New Delhi at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

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## MEMBERS SWORN.

The Honourable Sir Joseph Bhore, K.C.I.E., C.B.E. (Member for Commerce and Railways); Mr. Arthur Moore, M.B.E., M.L.A. (Bengal: European); Mr. E. H. M. Bower, I.S.O., M.L.A. (Nominated Non-Official); Mr. David Burnett Meek, C.B.E., M.L.A. (Government of India: Nominated Official); Mr. Bryce Chudleigh Burt, C.I.E., M.B.E., M.L.A. (Government of India: Nominated Official); Mr. Guru Saday Dutt, M.L.A. (Bengal: Nominated Official); Khan Bahadur Abul Hasnat Muhammad Abdul Hye, M.L.A. (Bengal: Nominated Official); Mr. Pradyumna Prashad Singh, M.L.A. (Bihar and Orissa: Nominated Official); and Mr. Charles William Dunn, C.I.E., M.L.A. (Burma: Nominated Official).

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## QUESTIONS AND ANSWERS.

### INDIANISATION RECOMMENDED BY THE LEE COMMISSION ON THE COMPANY-MANAGED RAILWAYS.

852. **\*Mr. Uppi Saheb Bahadur:** Are Government prepared to take immediate steps to enforce the policy of Indianisation to the full extent recommended by the Lee Commission on all the Company-managed Railways?

**Mr. P. R. Rau:** Government have, from time to time, drawn the attention of the Company-managed Railways to the undertaking given to carry out the policy of Indianisation, and the question of taking further measures in this direction will be considered again on receipt of a special report on the subject expected in December next.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to say how far effect has been given to the Lee Commission's recommendations with regard to the State Railways?

**Mr. P. R. Rau:** I believe effect was given to the Lee Commission's recommendations in 1924.

### REDUCTION OF THE CLERICAL STAFF OF THE RAILWAY RATES ADVISORY COMMITTEE.

853. **\*Mr. S. G. Jog** (on behalf of Mr. Bhuput Sing): (a) Will Government be pleased to state if it is a fact that the strength of the clerical staff of the Railway Rates Advisory Committee has been reduced as a measure of economy?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the strength of the clerical staff on the 31st March, 1932, and the present strength, and the composition by communities and provinces in each case?

**Mr. P. R. Rau:** (a) Yes.

(b) The strength of the clerical staff on 31st March, 1932, was seven, of whom six were Hindus and one Muhammadan. This staff consisted of five men from Madras and one each from Bengal and the Punjab. Since 1st April, 1932, the number of permanent staff has been reduced to three, all being Hindus from Madras.

### REMOVAL OF THE OFFICE OF THE RAILWAY RATES ADVISORY COMMITTEE FROM CALCUTTA TO VIZAGAPATAM.

854. **\*Mr. S. G. Jog** (on behalf of Mr. Bhuput Sing): (a) Is it a fact that the office of the Railway Rates Advisory Committee was transferred in April last from Calcutta to Vizagapatam, the native place of Sir B. N. Sarma, the President? If so, why?

(b) If the reply to part (a) be in the affirmative, why has the change not yet been notified to the public?

(c) Why was the change of headquarters effected?

**Mr. P. R. Rau:** (a), (b) and (c). I would refer the Honourable Member to the reply I gave to Mr. Thampan's question No. 648 on the 22nd September, 1932.

### POST OF THE CHIEF CLERK OF THE RAILWAY RATES ADVISORY COMMITTEE.

855. **\*Mr. S. G. Jog** (on behalf of Mr. Bhuput Sing): (a) Is it a fact that Mr. A. Natesan, the present Chief Clerk of the Railway Rates Advisory Committee, is the holder of a permanent pensionable post under the Government of Madras?

(b) If the answer to part (a) be in the affirmative, what are the reasons for keeping this man?

(c) Are Government prepared to take steps to select for this post a suitable and qualified person from amongst those discharged from the Railway Board's office and the different railways as a measure of retrenchment and to revert Mr. A. Natesan to his permanent post under the Government of Madras?

**Mr. P. R. Rau:** (a) Yes.

(b) and (c). I am informed that he has been kept on in the interests of work as particularly experienced and useful.

**ALLOCATION OF SEATS IN THE PROVINCIAL LEGISLATURES APPENDED TO THE COMMUNAL AWARD.**

**856. \*Bhai Parma Nand:** Will Government be pleased to state the population of the classes and communities, whose voters will elect in each province the members shown in the column "General" of the statement of allocation of seats in the provincial legislatures appended to the communal decision?

**The Honourable Sir Brojendra Mitter:** The Honourable Member is referred to the reply given by Sir C. P. Ramaswami Aiyar to part (a) of Mr. Gaya Prasad Singh's unstarred question No. 57 on the 19th September, 1932.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state why the word "General" is used instead of using the expressions, "Hindus", etc.?

**The Honourable Sir Brojendra Mitter:** That is the expression which His Majesty's Government chose.

**MUSLIM POPULATION OF ASSAM.**

**857. \*Bhai Parma Nand:** Will Government be pleased to state the population of Muslims in Assam, and their proportion to the total population?

**The Honourable Mr. H. G. Haig:** The Muslim population of Assam is 2,755,914 or approximately 30 per cent. of the total population.

**COMMUNAL COMPOSITION OF THE CONSTITUENCY CALLED "LABOUR SPECIAL" IN EACH PROVINCE.**

**858. \*Bhai Parma Nand:** Will Government give the communal composition of the constituency called "Labour Special" in each province?

**The Honourable Sir Brojendra Mitter:** The Honourable Member is referred to the reply given to the third part of Mr. Gaya Prasad Singh's unstarred question No. 57 on the 19th September, 1932.

**COMPOSITION OF THE CONSTITUENCY OF "COMMERCE, INDUSTRY AND MINING" IN BENGAL.**

**859. \*Bhai Parma Nand:** Will Government be pleased to state how the constituency of "Commerce, Industry and Mining" in Bengal is composed, and what is the proportion of European voters in these constituencies in Bengal?

**The Honourable Sir Brojendra Mitter:** The Honourable Member is referred to the reply given to the fourth part of Mr. Gaya Prasad Singh's unstarred question No. 57 on the 19th September, 1932.

**NON-RESERVATION OF SPECIAL SEATS FOR THE DEPRESSED CLASSES IN THE PUNJAB.**

860. **\*Bhai Parma Nand:** (a) Are the Depressed Classes in the Punjab included among the Hindu population of that province?

(b) If not, why is it that no special seats are reserved for them in the Legislature?

**The Honourable Sir Brojendra Mitter:** (a) The majority of the Depressed Classes in the Punjab were returned as Hindu, the balance being returned as Ad-Dharmi.

(b) Under the Poona Agreement which has been accepted by His Majesty's Government, the Depressed Classes have been allotted **eight** seats in the Punjab Legislative Council.

**Pandit Satyendra Nath Sen:** Will the Honourable Member kindly give us his definition of Depressed Classes?

**The Honourable Sir Brojendra Mitter:** It is impossible to define Depressed Classes without going into the matter province by province.

**Mr. Lalchand Navalrai:** To whose decision will that classification be left?

**The Honourable Sir Brojendra Mitter:** The Local Government.

**Dr. F. X. DeSouza:** Will members of the Depressed Classes continue to belong to the category of Depressed Classes when they are converted to Christianity?

**The Honourable Sir Brojendra Mitter:** I should think not.

**Dr. F. X. DeSouza:** Why not?

**The Honourable Sir Brojendra Mitter:** Because Indian Christians have been classified separately.

**Dr. F. X. DeSouza:** Is there any justification for not giving them their economic status as Depressed Classes and giving them the privileges appertaining to the Depressed Classes, simply because they have adopted Christianity?

**The Honourable Sir Brojendra Mitter:** The Depressed Classes are regarded for the purposes of His Majesty's Government's decision as part of the Hindu community. As to who should be regarded as Depressed Classes in any particular province is a matter which will be decided by the Provincial Government.

**Mr. K. Ahmed:** In view of the fact that the Honourable the Law Member has failed to define the Depressed Classes to distinguish them from the Hindus, do Government, particularly the Government of India, realise that it is incumbent on them before the separation is caused to define these people?

**The Honourable Sir Brojendra Mitter:** I could not follow the question.

**Mr. K. Ahmed:** For the benefit of the Law Member, I repeat the question, Sir. In view of the fact that it is they who have separated one class from another and in view of the fact that the separation is admitted by the Honourable Member himself, cannot they define and classify one class of people from the other?

**The Honourable Sir Brojendra Mitter:** I should have thought the question had better be put to the signatories to the Poona Agreement.

**Mr. M. Maswood Ahmad:** Are Government aware that the Franchise Committee has mentioned *Halalkhor*, which is a part of the Muslim community, amongst the Depressed Classes?

**The Honourable Sir Brojendra Mitter:** At the moment I confess it is not present to my mind. I do not remember what the Franchise Committee said on that particular point.

**Mr. M. Maswood Ahmad:** Will the Honourable Member please see the reports of the Franchise Committee?

**The Honourable Sir Brojendra Mitter:** I shall.

**Mr. K. Ahmed:** In view of the fact that the Honourable the Law Member has not clearly and accurately answered the question on the definition of the Depressed Classes and in view of the fact that somebody else in Whitehall or in the British Cabinet have divided these people, do I understand that the Government of India are unable to realise the fate of these people who have been separated from each other?

**Pandit Satyendra Nath Sen:** By whom are these people depressed and how?

**The Honourable Sir Brojendra Mitter:** By the Caste Hindus, by caste rules.

**Pandit Satyendra Nath Sen:** Are the Muhammadans mentioned by my friend, Mr. Maswood Ahmad, depressed by the caste Hindus?

**The Honourable Sir Brojendra Mitter:** I have already answered in reply to Mr. Maswood that I do not remember what has been said by the Franchise Committee. Therefore I cannot answer these questions.

**Sir Muhammad Yakub:** There are no Depressed Classes among the Mussalmans and the Franchise Committee have not included any Mussalman in the category of the Depressed Classes.

**Bhai Parma Nand:** Are Government aware that there is some discontent among the lower classes among Sikhs and Mussalmans and even Christians, because they have not been given separate representation in the Punjab?

**The Honourable Sir Brojendra Mitter:** Government are not aware of it.

**RETRENCHMENT OF HINDU CLERKS BY THE CHIEF ACCOUNTS OFFICER,  
NORTH WESTERN RAILWAY.**

861. **\*Bhai Parma Nand:** (a) Is it a fact that 26 Hindu clerks were retrenched on the 15th August by the Chief Accounts Officer, North Western Railway, Lahore?

(b) Is it a fact that some of the retrenched clerks held permanent posts and had been taken after they had passed proper competitive tests?

(c) Is it a fact that some of them had held permanent posts in other Government offices and were given pensionable appointments, their service having been treated as transferred from one department to another?

(d) Is it a fact that their juniors of other communities have been kept on?

**Mr. P. R. Rau:** (a) 16 clerks were originally retrenched, but it has been found possible to reinstate them since.

(b) Yes.

(c) I understand one held a permanent post in another Government Office.

(d) Does not arise, in view of my reply to part (a).

**Mr. M. Maswood Ahmad:** Is it a fact that prior to the 15th August many clerks of other communities were retrenched, and still Muslims are very poorly represented in that Department?

**Mr. P. R. Rau:** I must ask for notice.

**INQUIRY INTO THE HIGH EXPENDITURE ON THE KANGRA VALLEY RAILWAY.**

962. **\*Bhai Parma Nand:** Will Government please state:

(a) the original estimated cost of the Kangra Valley Railway,

(b) the actual expenditure incurred on the construction of this railway,

(c) whether any committee was appointed in 1930 with Mr. M. L. Brayshay and others, to enquire into the unexpected high expenditure thus incurred,

(d) if so, with what result,

(e) whether Government will please lay a copy of this report on the table of this House,

(f) whether this committee examined any non-official and private witnesses, or examined any contractors who had done work on this construction,

(g) whether the examination was limited to Railway and other officials only, and

(h) the method of enquiry?

**Mr. P. R. Rau:** (a) 134 lakhs.

(b) The latest estimate is about 295 lakhs.

(c) Yes. The committee consisted of Mr. M. W. Brayshay as Chairman, Dr. W. R. Horn, Mr. A. N. J. Harrison and Mr. C. Tedman as Members.

(d) and (c). A copy of their report is in the Library.

(f) No.

(g) Yes.

(h) I would invite the Honourable Member's attention to paragraph 3 of the Report.

**DISPUTES OVER ARREAR PAYMENTS, ETC., BETWEEN THE CONTRACTORS AND THE KANGRA VALLEY RAILWAY ADMINISTRATION.**

863. \*Bhai Parma Nand: Will Government please state:

- (a) whether there were, or are, any disputes on the point of arrear payments or work done, between any contractors and the Kangra Valley Railway authorities;
- (b) if so, how many cases, with their nature and names of contractors;
- (c) how many and which of these cases have been settled by the Railway authorities (i) out of court, and (ii) in the court;
- (d) how many of them are still pending and at what stages, giving names of contractors;
- (e) what allegations were made by these contractors when putting forth their claims; and
- (f) how much money has already been spent by the Railway on these litigations, and how much more they expect to spend to settle these cases?

**Mr. P. R. Rau:** (a) Yes.

(b) Threc-Durrell and Company, Rai Bahadur Panna Lal and Balwant Singh.

(c) None have yet been settled either in or out of Court.

(d) The first two are, I understand, pending in the Court of the Senior Sub-Judge, Dharamsala, and the third which was before another Sub-Judge is under reference to the High Court.

(e) As the cases are before the Courts at present, Government are unable to make any statement on the facts.

(f) The amount spent already is Rs. 4,000. I am unable to say at present how much more it will cost.

**CLAIMS PUT FORWARD BY CONTRACTORS AGAINST THE KANGRA VALLEY RAILWAY ADMINISTRATION.**

864 \*Bhai Parma Nand: (a) Are Government aware that on account of the facts that unusually high expenditure has been incurred on the construction of the Kangra Valley Railway, and that a number of claims



have been put forward by some contractors against them, a good deal of bad impression and public scandal about the Railway administration have been created?

(b) Will Government please state whether there are any objections to the Railway administration getting these cases of claims by the contractors settled by compromise through arbitration as suggested by paragraph 45 of the North Western Railway Hand Book, 1924 edition?

(c) Will Government please state what has been the result of one such case of claim against the Kangra Valley Railway that has recently been decided in the court of the Senior Sub-Judge at Lahore?

**Mr. P. R. Rau:** (a) No.

(b) The contract agreements entered into with these contractors contain a clause admitting of Arbitration on certain conditions; but the contractors, I am informed, now wish to depart from these conditions and the North Western Railway Administration have been advised that, to protect their interests, the claims should be dealt with in a Court of law.

(c) It is under appeal.

#### CALLING OF TENDERS FOR THE AUCTION OF OLD SLEEPERS BY THE NORTH WESTERN RAILWAY.

865. **\*Bhai Parma Nand:** Will Government please state:

- (a) whether the North Western Railway authorities called for this year tenders for the auction at different stations of old sleepers and timber scrap for the period 1932-1934;
- (b) whether it is a fact that K. B. Adamjee Mamoojee of Rawalpindi had been doing this auction work for the last many years;
- (c) whether it is a fact that the above firm tendered this year a rate of Re. 0-10-0 per cent. for miscellaneous stores, and Re. 0-12-0 per cent. for sleepers;
- (d) whether it is a fact that another firm, named R. B. Seth Chadi Ram Devi Sahai Jain of Ferozepur Cantonment tendered a rate of Re. 0-11-9 per cent.;
- (e) whether it is a fact that a third firm, named Messrs. Jamsetjee's Sons, of Lahore, had tendered a rate of Rs. 2-0-0 per cent., which is the highest rate of all the tenders;
- (f) whether it is a fact that the railway authorities accepted this highest rate and rejected the lowest one, mentioned in part (c) above, and others that were lower than the highest rate;
- (g) whether there were any special considerations in accepting the dearest rate of a comparatively new tenderer and rejecting the cheapest rate of an old contractor of the department; and
- (h) if so, what those reasons or considerations were?

**Mr. P. R. Rau:** I have called for certain further information and on receipt will lay it on the table in due course.

**CONTRACTORS FOR SELLING ICE AND SODA AT DIFFERENT STATIONS AND IN RUNNING TRAINS ON THE NORTH WESTERN RAILWAY.**

**866. \*Bhai Parma Nand:** Will Government please state:

- (a) the names of the firms who have contracts for selling ice and soda at different stations and in running trains on the North Western Railway;
- (b) whether any owners of ice factories sent in their tenders giving their names;
- (c) if so, what are the reasons for which their tenders were not accepted;
- (d) how many of the present contractors are factory owners; and
- (e) the reasons why owners of factories situated on their line are not given contracts?

**Mr. P. R. Rau:** (a) The Central Aerated Gas Company, Lahore; the Ganga Ice Factory, Lahore Cantonment; Messrs. Manohar Lal & Bros., Ambala; Messrs. Bliss & Co., Karachi.

(b), (c) and (e). A licensee is appointed for each of the four areas into which the North Western Railway system is divided for the purpose of selling ice and aerated waters at stations and on running trains during the hot weather months. At the end of this period, all complaints received against the licensees are examined, and if it is found that the work of a licensee has been unsatisfactory, applications are invited from aerated water manufacturers for the next season by advertisements. No applications were invited for the 1932 season, as the work of the licensees during the 1931 season was satisfactory.

(d) All.

**Mr. Lalchand Navalrai:** Who examines the complaints that are made? Is it an officer or any committee consisting of Indians and merchants?

**Mr. P. R. Rau:** I believe the complaints must be examined by somebody on behalf of the administration. If the Honourable Member wants precise information on the point, I should ask him to put down a question.

**Mr. Lalchand Navalrai:** I should like to know it.

**FACTORIES MANUFACTURING HOLLOW GLASSWARE SITUATED ON THE NORTH WESTERN RAILWAY.**

**867. \*Bhai Parma Nand:** Will Government please state:

- (a) the names of factories manufacturing hollow glassware situated on the North Western Railway;
- (b) whether any glassware is purchased from these factories;
- (c) if so, what is the percentage of quantities so purchased and the names of factories;
- (d) whether whole quantities of a particular item, required by the department, are purchased from these factories, or only a portion;

- (e) if only a portion is purchased, the reasons for taking this step;
- (f) whether the Railway Department was satisfied with the supplies made by any of these factories;
- (g) if so, whether the department took any steps to encourage these factories and thus help the growth of the glass industry in India;
- (h) whether the department uses glass cells and battery jars;
- (i) if so, whether these articles are purchased from these factories or imported from abroad;
- (j) if they are purchased from abroad, the reasons why orders for these articles are not placed with these factories; and
- (k) whether they are prepared to consider the question of purchasing these articles from Indian factories?

**Mr. P. R. Rau:** (a) The following factories situated on the North Western Railway are registered on the books of the Indian Stores Department for the supply of hollow glassware:

- (1) The Upper India Glass Works, Ambala City.
- (2) The Amritsar Glass Works, Amritsar.

(b) Yes. Glass for Pine Moon and Washington Lamps are purchased from the Upper India Glass Works by the North Western Railway.

(c) and (d). The full requirements of Pine Moon Chimneys and Globes for Washington Lamps for the 1932-33 have been purchased by the North Western Railway from the Upper India Glass Works.

(e) The North Western Railway requirements of clear glass globes were accepted from other manufacturers on the basis of price.

(f) Yes.

(g) Yes.

(h) Yes.

(i) Glass cells and battery jars purchased by the Indian Stores Department are almost entirely of Indian manufacture. Imported cells and jars are purchased only when suitable substitutes of indigenous manufacture are not available.

(j) and (k) Do not arise.

#### PURCHASE OF GLASS CELLS AND BATTERY JARS FOR THE TELEGRAPH AND OTHER DEPARTMENTS.

**868. \*Bhai Parma Nand:** Will Government please state:

- (a) whether glass cells and battery jars, used in large quantities by the Telegraph and other departments, are purchased from factories in India or imported from abroad;
- (b) if they are imported from abroad, why these articles cannot be purchased from Indian manufacturers; and
- (c) whether they are prepared to consider the question of placing orders in future with glass factories in India?

**Mr. T. Ryan:** (a) and (b). The battery jars and glass cells required for primary batteries purchased for the Posts and Telegraphs Department are entirely of Indian manufacture. Glass cells for secondary batteries

are ordinarily purchased as parts of complete batteries. Very few glass boxes are required for replacement and these are not manufactured in India owing to the demand being limited. I have not complete particulars for other departments, but the orders entrusted by them to the Stores Department have all been placed with Indian manufacturers.

(c) Does not arise.

#### DUMPING OF HOLLOW AND OTHER GLASSWARES INTO INDIA.

869. \***Bhai Parma Nand**: Are Government aware:

- (a) that large quantities of hollow and other glasswares are being dumped into India, owing to the depreciation of the Japanese *yen* in relation to the Indian rupee; and
- (b) that this alarming state of affairs is seriously affecting the very existence of the glass industry in this country?

**The Honourable Sir Joseph Bhoré**: (a) and (b). There has been some increase in the imports of glass and glassware, from Japan during recent months, but I am not prepared to say that it is either alarming or seriously affecting the existence of the glass industry in India.

#### REPORT OF THE TARIFF BOARD ON THE GLASS INDUSTRY.

870. \***Bhai Parma Nand**: Will Government please state:

- (a) whether the report of the Tariff Board on the glass industry has been published for the information of the public;
- (b) whether any action has already been taken by Government on this report of the Tariff Board; and
- (c) whether, in view of the alarming situation created by the depreciation of the Japanese *yen*, Government propose to consider the advisability, by way of emergency measure, of referring the report back to the Tariff Board, to allow the Board to amend their views and recommendations in the light of this new situation that has arisen unexpectedly since they submitted their report to Government?

**The Honourable Sir Joseph Bhoré**: The attention of the Honourable Member is invited to the reply given to his question No. 310 on the 16th September, 1932, and to which I have nothing to add.

#### INADEQUATE REPRESENTATION OF MUSLIMS IN THE INCOME-TAX DEPARTMENT, PUNJAB.

871. \***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Muazzam Sahib Bahadur): (a) Is it a fact that in the Punjab, Mussalmans are very inadequately represented in the Income-tax Department and specially so in the higher grades?

(b) Is it a fact that as a result of the repeated representations of the Punjab Mussalmans and by way of reply to several questions on the floor of this House, Government have, on more than one occasion, promised to redress the grave communal inequalities in the Income-tax Department?

(c) If so, what steps have Government taken in this particular? Will Government be pleased to place before this House a statement of the result of their endeavours?

**The Honourable Sir Alan Parsons:** (a) I lay on the table a statement showing the present composition of the staff,

(b) Assurances have, I think, been given that the regular policy of Government in regard to the selection of new recruits would be followed.

(c) I would invite the Honourable Member's attention to the reply, laid on the table, to starred question No. 1025 asked by Khan Bahadur Haji Wajihuddin on the 29th March, 1932.

*Communal composition of the gazetted and non-gazetted staff of the Income-tax Department, Punjab, on the 31st December, 1931.*

	Total number of posts.	Number held by Muslims.
Assistant Commissioners . . . . .	*3	..
Income-tax Officers . . . . .	30	6
Inspectors . . . . .	34	10
Clerks . . . . .	161	46

\*The three Assistant Commissioners are for the Punjab, North-West Frontier and Delhi Provinces.

**MUSLIM PERCENTAGE OF THE PERMANENT INCOME-TAX OFFICERS AND ASSISTANT COMMISSIONERS IN THE PUNJAB.**

872. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Muazzan Sahib Bahadur): What is the Muslim percentage of the permanent Income-tax Officers and Assistant Commissioners in the Punjab? How far does that percentage fall short of their population ratio?

**The Honourable Sir Alan Parsons:** A statement giving the required information is laid on the table.

*Statement showing the communal composition of Income-tax Officers and Assistant Commissioners in the Punjab Income-tax Department on 31st December, 1931.*

	Total number of posts.	Number held by Muslims.	Per-centage.	Per-centage of Muslims to total population.	Deficiency on a comparison of (3) and (4).
	(1)	(2)	(3)	(4)	(5)
Assistant Commissioners of Income-tax.	3*	..	..	56·5	56·5%
Income-tax Officers . . . . .	30	6	20%	56·5	36·5%

\*The three Assistant Commissioners are for Punjab, North-West Frontier and Delhi Provinces.

**MUSLIM INCOME-TAX OFFICERS IN THE PUNJAB.**

873. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhanmad Muazzam Sahib Bahadur): What is the number of Income-tax Officers in the Punjab appointed by direct recruitment and by departmental promotions since 1927 and how many of them in each category are Mussalmans?

**The Honourable Sir Alan Parsons:** By direct recruitment, none of any community. By promotion, three; none of these was a Muslim.

**APPOINTMENT OF MUSLIM ASSISTANT COMMISSIONERS OF INCOME-TAX IN THE PUNJAB.**

874. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Muazzam Sahib Bahadur): (a) Since its organisation as a separate department, is there any one instance of the appointment of a Muslim Assistant Commissioner in the Income-tax Department of the Punjab?

(b) If so, how long has any such held office? If not, what reasons have Government to advance for such treatment?

**The Honourable Sir Alan Parsons:** (a) No.

(b) I would refer the Honourable Member to the reply which I gave to question No. 702 by Khan Bahadur Makhdum Syed Rajan Bakhsh Shah.

**APPOINTMENT OF ASSISTANT COMMISSIONERS OF INCOME-TAX IN THE AMALGAMATED CADRE OF THE PUNJAB, NORTH-WEST FRONTIER PROVINCE AND DELHI.**

875. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Muazzam Sahib Bahadur): (a) Is it a fact that at present all the three appointments of Assistant Commissioners of Income-tax in the amalgamated cadre of the Punjab, North-West Frontier Province and Delhi are held one by a Hindu, another by a Sikh and the third by a Christian to the complete exclusion of the Mussalmans?

(b) If so, are Government prepared to take early and effective action to appoint a Muslim as an Assistant Commissioner of Income-tax?

**The Honourable Sir Alan Parsons:** (a) Yes.

(b) I would refer the Honourable Member to the reply which I gave to part (b) of question No. 702 by Khan Bahadur Makhdum Syed Rajan Bakhsh Shah.

**ORDERS FOR SUSPENSION OF PROMOTIONS, APPOINTMENTS, ETC., IN THE RAILWAY DEPARTMENT.**

876. **\*Shaikh Sadiq Hasan:** (a) Will Government please state if any orders were issued in 1930 to suspend all sorts of promotions, appointments, etc., in the Railway Department, and orders were also issued for making reference to the Employment Officer, Lahore, when such vacancies occur? If so, were these orders strictly observed by all the officers on the North Western Railway, especially in the Multan Division?

(b) Is it a fact that the Agent's Office took no action when recommendations for confirming certain clerks were sent by the Divisional Superintendent, Multan Division, but on the other hand his action was confirmed? Will Government please state reasons for the disregard of the Railway Board's orders?

**Mr. P. R. Rau:** (a) I presume my Honourable friend is referring to the orders issued by the Agent, North Western Railway, in 1930, to his subordinate offices that no vacancies should be filled by recruitment of outsiders unless absolutely necessary and that all permanent vacancies should be referred to the Employment Officer who would endeavour to meet any demands for staff from a waiting list of staff previously discharged. Orders were also issued in 1931, in order to employ every method to save discharges, that all vacancies should be filled by surplus staff wherever available in the grade or class in which they occurred before promotions could be permitted. Government have no reason to think that the instructions issued by the Agent were not followed by his subordinate offices.

(b) In the absence of information as to the particular case referred to, the Agent has not been able to give a definite reply to this question.

#### EMPLOYMENT OF TWO BROTHERS IN THE DIVISIONAL OFFICE, MULTAN, NORTH WESTERN RAILWAY.

877. **\*Shaikh Sadiq Hasan:** (a) Will Government please state if the rules regarding non-employment of two brothers in one office are applicable in the Railway Department; if not, why not?

(b) If the reply to part (a) be in the affirmative, will Government state whether men bearing such relationship are employed in the Divisional Office at Multan? If so, why?

(c) Is it a fact that this matter was represented by an employee in 1931 and the then Divisional Personnel Officer passed orders that this matter be referred to the Agent, but as the officer who passed these orders was transferred a few days after, his successor Mr. A. C. Chatterji, Officiating Divisional Personnel Officer, cancelled the orders stating that it was an unnecessary reference?

**Mr. P. R. Rau:** (a) I am not aware of any rule forbidding such employment.

(b) and (c). Do not arise.

#### CANCELLATION OF THE ORDERS OF PROMOTION OF BABU SHANKAR DASS BY THE OFFICIATING DIVISIONAL PERSONNEL OFFICER, MULTAN DIVISION, NORTH WESTERN RAILWAY.

878. **\*Shaikh Sadiq Hasan:** Will Government please state if Divisional Personnel Officers on the North Western Railway are authorised to cancel orders of the Divisional Superintendent without the latter's approval? If the reply be in the negative, will the Honourable Member please ask for remarks from the Divisional Personnel Officer, Multan Division, why the orders of promotion of Babu Shankar Dass, once approved by the Divisional Superintendent, were cancelled by Mr. A. C. Chatterji, Officiating Divisional Personnel Officer, without the approval of the Divisional Superintendent?

**Mr. P. R. Rau:** The reply to the first part of the question is in the negative. As regards the second part, orders of promotion of B. Shankar Dass were issued by Mr. A. C. Chatterjee's predecessor with the concurrence of the Divisional Superintendent. On a further representation being made to Mr. Chatterjee these orders were reversed by him. This action was upheld later by the Divisional Superintendent, but Mr. Chatterjee was informed that the original orders, having been approved by the Divisional Superintendent should not have been altered without his prior approval.

**REMOVAL OF THE MUSLIM HEAD CLERK, STAFF A, FROM THE POSTMASTER GENERAL'S OFFICE, LAHORE, BEFORE COMPLETION OF HIS USUAL TERM.**

879. **\*Shaikh Sadiq Hasan:** (a) Is it a fact that head clerks in the Post Master General's Office, Lahore, are changed after every three years?

(b) If the reply to part (a) be in the affirmative, will Government please state why the present Muslim head clerk was removed before the completion of the term of three years?

**Mr. T. Ryan:** With your permission, Sir, I propose to deal with question Nos. 879, 880 and 881 together.

These questions relate to the filling of particular clerical appointments in the office of the Postmaster General, Punjab. This is a matter within the competence of the Postmaster General, Punjab, to whom a copy of the Honourable Member's question is being sent.

Government have no information on the subject.

**REMOVAL OF THE MUSLIM HEAD CLERK, STAFF A, FROM THE POSTMASTER GENERAL'S OFFICE, LAHORE, BEFORE COMPLETION OF HIS USUAL TERM.**

†880. **\*Shaikh Sadiq Hasan:** (a) Is it a fact that after the amalgamation of the traffic section with the staff A section in the Postmaster General's Office, Lahore, the head clerks of staff A have never been traffic men?

(b) Is it a fact that there is no rule, regulation or office order binding upon the head clerk staff A to be a traffic man?

(c) Is it a fact that the Muslim head clerk staff A had been replaced by a Hindu head clerk of traffic branch on the plea that the Assistant Postmaster General in charge did not know traffic work?

(d) If the replies to the above be in the affirmative, will Government please state what was the necessity for removing the Muslim head clerk before the completion of his term of three years?

**REMOVAL OF THE MUSLIM HEAD CLERK, STAFF A, FROM THE POSTMASTER GENERAL'S OFFICE, LAHORE, BEFORE COMPLETION OF HIS USUAL TERM.**

†881. **\*Shaikh Sadiq Hasan:** (a) Is it a fact that the Engineering Branch work has also been amalgamated with the staff A section in the Postmaster General's Office, Lahore, and that both the present Assistant Postmaster General and the present head clerk have no experience of that work?

(b) If the reply to part (a) be in the affirmative, will Government kindly state fully the reasons and the circumstances which necessitated the removal of a Muslim head clerk?

† For answer to this question, see answer to question No. 879



**COMMUNAL COMPOSITION OF PERSONS HOLDING SELECTION GRADE POSTS IN  
KASHMIR AND MULTAN POSTAL DIVISIONS.**

882. **\*Shaikh Sadiq Hasan:** Will Government please intimate how many selection grade posts in the Kashmir and Multan Postal Divisions are sanctioned, and how many of them are held by Muslims and non-Muslims separately?

**Mr. T. Ryan:** Seven selection grade posts are sanctioned for Kashmir Division and nine for the Multan Division. One such post in each Division is held by a Muslim, one is vacant in the Multan Division and the remainder are held by non-Muslims. Appointments to such posts are made by promotion to which the rule regarding communal representation does not apply.

**PAUCITY OF MUSLIM HEAD CLERKS IN THE CIRCLE OFFICE, LAHORE.**

883. **\*Shaikh Sadiq Hasan:** (a) Will Government state how many posts of head clerks are held by Hindus and Muslims in the Circle Office, Lahore?

(b) What are the reasons for the paucity of Muslims in these posts and what do Government propose to do to redress the grievances of Muslims with respect to these posts?

**Mr. T. Ryan:** (a) Of fourteen such posts including the post of Assistant Manager, Stock Depot, two are (or will shortly be) held by Muslims, the rest are held by Hindus.

(b) These head clerkships are selection grade posts, promotion to which is not made on communal grounds.

**PAY OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.**

884. **\*Shaikh Sadiq Hasan:** (a) Is it a fact that on appointment as Storemen in the Indian Army Ordnance Corps the permanent routine division clerks have been granted lower rates of pay than the extra temporary clerks and other temporary men of the department?

(b) Is it correct that the temporary men were holding an "extra temporary" status, terminable by a formal discharge each year and that they could not qualify in the departmental examination held every year and thus remained unqualified for years, working mostly in one group and thereby acquiring knowledge of the items particular to that group?

(c) Is it a fact that the permanent routine division clerks were holding permanent status and that they qualified by passing the departmental examination and remained serving in different groups and branches at different stations, thereby acquiring a wider knowledge than the temporary men?

(d) Is it a fact that the error of fixing lower rates of pay for the routine division clerk was referred to the Director of Ordnance Services (head of the department) by more than five establishments, and each of the establishments represented even more than four times?

(e) Is it a fact that the Government of India did not grant the equality of rates of pay on the grounds that on appointment as storemen the status of the routine division clerks has been improved and that they have also

chances of future promotion to the post of Assistant Storekeeper and to pensionary benefits?

(f) Is it not a fact that the status of temporary men has been much more improved on appointment as storemen and have they not been granted also chances of promotion to Assistant Storekeeper and pensionary benefits? If so, why have they been granted higher rates of pay than the routine division clerks?

(g) Why have the temporary men been granted better prospects and higher rates of pay than the route division clerks?

(h) Is it a fact that temporary men with four years extra temporary service have been appointed on Rs. 66 per mensem and that routine division clerks with four years permanent service *plus* even temporary service have been granted Rs. 50 per mensem? If so, why?

(i) Is it a fact that the temporary men with four years temporary service shall have to serve four years and that a permanent routine division clerk with four years permanent service 12 years, towards reaching the qualifying rates of pay for promotion to Assistant Storekeeper (*viz.*, Rs. 80)?

(j) In basing the seniority roll of storemen, did not the Director of Ordnance Services take into account the permanent service of the routine division clerks towards seniority? If not, why not? Is it a fact that the period of service is the criterion of seniority among clerks in the Indian Army Ordnance Corps and other sister establishments, and, if so, why have temporary men been placed senior to the permanent men?

(k) Why were the temporary men given antedated appointments from 8th November, 1930? Is it a fact that they were not actually appointed before 1st December, 1930 (the date when the appointment letter reached the arsenals), and why have the routine division clerks been disallowed to avail themselves of the above concession?

**Mr. G. R. F. Tottenham:** (a) On appointment as storemen, permanent routine division clerks and temporary men of the department are both admitted to the same grade of pay, namely, Rs. 50—4—90. Most of the temporary men are not clerks, but generally perform duties similar to those of storemen.

(b) The pay of temporary men is met from a grant commonly called the 'extra temporary' grant controlled by the Director of Ordnance Services. Like temporary men in other departments under Government, they are liable to discharge after due notice. They are not required to pass any departmental examination.

(c) The position is as stated, but I can not agree with the Honourable Member that permanent routine division clerks necessarily possess a wider knowledge than temporary employees of the department. The work of a routine division clerk is generally not such as to qualify him to perform the duties of a storeman.

(d) to (j). Representations have been received, but, as I have already stated, the grade of pay for both classes on appointment as storemen is the same. It is possible that by virtue of his temporary service a temporary man may receive an initial rate of pay higher than that of a routine division

clerk promoted storeman. The rate of increment and maximum pay, however, remain the same for both classes. Government do not consider that any change in the existing rules is necessary.

(k) Because temporary men were actually performing the duties of storemen on the 8th November, 1930, whereas the routine division clerks were not.

#### INTRODUCTION OF MERIT ROLL FOR STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

885. **\*Shaikh Sadiq Hasan:** Has the merit roll been abolished in the case of the Indian Army Ordnance Corps clerks? If so, where was the necessity of its introduction among the storemen? Did it prove a failure for clerks? Have Government considered that the promotion should run according to the respective seniority? If not, why not?

**Mr. G. R. F. Tottenham:** The answer to the first part of the question is in the affirmative. No merit roll has been introduced for storemen.

#### FILLING UP OF VACANCIES SINCE THE INTRODUCTION OF THE STOREMEN SCHEME IN THE INDIAN ARMY ORDNANCE CORPS.

886. **\*Shaikh Sadiq Hasan:** (a) Is it a fact that certain vacancies are reserved by the Director of Ordnance Services, Indian Army Ordnance Corps, for outsiders and some for graduate storemen? If so, will any vacancy be left for those who have spent years in serving the department, and has any vacancy been given to the non-graduate storemen since the introduction of the scheme?

(b) Is it right that 25 per cent. of the vacancies of British non-commissioned officers will be filled by civilian assistant storekeepers? If so, how many assistant storekeepers have been appointed from 31st March, 1928 to 31st March, 1932, and also how many vacancies have been given to the outsiders since the introduction of the storemen scheme?

**Mr. G. R. F. Tottenham:** (a) I presume that the Honourable Member is referring to vacancies in the cadre of Assistant Storekeepers. Vacancies are at present reserved for outsiders and graduate storemen, but in future it is proposed to make these appointments only by promotion from the storeman grade. No non-graduate storeman has so far been appointed as an Assistant Storekeeper.

(b) The answer to the first part is in the affirmative. 22 Civilians have been appointed Assistant Storekeepers during the period referred to by the Honourable Member. Three outsiders have been appointed Assistant Storekeepers since the introduction of the Storeman Scheme in 1930.

#### APPOINTMENT OF HINDUS AND MUSLIMS AS STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

887. **\*Shaikh Sadiq Hasan:** How many Muslims and Hindus have been appointed storemen from amongst, (1) outsiders, (2) departmental men (excluding routine division clerks) and (3) permanent routine division clerks in the Indian Army Ordnance Corps?

**Mr. G. R. F. Tottenham:** (1) 53 Hindus and 19 Muslims.

(2) 42 Hindus and 14 Muslims.

(3) 13 Hindus and 8 Muslims.

**GRIEVANCES OF BRITISH INDIAN FAMILIES SETTLED IN NEW ZEALAND.**

888. **\*Shaikh Sadiq Hasan:** (a) Are the Government of India aware that a large number of British Indian families are settled in the various towns of New Zealand?

(b) Do the Government of India know that there are serious complaints against the harsh treatment which the Indian settlers are receiving at the hands of the white people of New Zealand?

(c) Is it a fact that in New Zealand, and particularly in Pukekohe, Indians are not allowed into the cinemas?

(d) Are Government aware that the "White New Zealand League" is persistently carrying on a vehement propaganda of anti-Asiatic movement in New Zealand?

(e) Are Government aware that in pursuance of the said anti-Asiatic movement hand-bills and pamphlets are published in New Zealand to preach complete boycott of Asiatics in general and Indians in particular?

(f) Do the Government of India know that one Abraham Walley Mohammed Salamanan, Indian Herbalist, carrying on his business in Auckland and Plymouth, was ruthlessly persecuted and numerous cases for damages and man-slaughter were brought against him in rapid succession in some of which he was sentenced to imprisonment and was disabled to continue his business?

(g) If the answer to any of the above question be in the affirmative, are the Government of India prepared to take proper steps to ameliorate the position of Indian settlers in New Zealand?

**Mr. G. S. Bajpai:** (a) So far as Government are aware, the total Indian population of New Zealand was 1,166 on the 31st March, 1931.

(b) If the Honourable Member specifies the nature of the complaints, enquiries will be made.

(c) to (e) Government have no information, but propose to make enquiries.

(f) The Honourable Member is referred to the reply given in this House on the 23rd March, 1927, to Raja Ghazanfar Ali Khan's question No. 1147, on the same subject.

(g) Does not arise. I have already indicated to the Honourable Member the action that the Government are prepared to take.

**Mr. K. Ahmed:** Have the Government of India got a local representative in New Zealand to take care of the Indians there or, in the alternative, to keep in touch with Indians who receive such rude and objectionable treatment as is specified by the questioner?

**Mr. G. S. Bajpai:** The Government of India maintain no representatives in New Zealand and, as I have already mentioned, the Government have no information that either rude or objectionable treatment is accorded to Indians.

**Mr. K. Ahmed:** Do Government propose, for the benefit of the country and of the people of this part of the world going to New Zealand, to take care of the Indians who are there?

**Mr. G. S. Bajpai:** I may remind the Honourable Member that there are no Indians going to New Zealand, and that the Indians already there are pretty well off.

**Mr. Lalchand Navalrai:** In view of the fact that the Government do not know of such complaints, will they make inquiries to find out the facts so as to help those who have these complaints?

**Mr. G. S. Bajpai:** As I have already stated, if any Honourable Member would specify the nature of the complaints that he has received, Government will make inquiries.

**Mr. Lalchand Navalrai:** The Government should realize that it may not be one complaint, and we ourselves may not be knowing the specific complaints; general complaints are made, and when that is so, it is I submit very necessary that the Government should make inquiries.

**Mr. G. S. Bajpai:** I may remind the Honourable Member that the Government of India actually sent a representative, Mr. Sastri, to New Zealand in 1922 and I happened to be associated with Mr. Sastri at the time. We did not find from those whom we met in New Zealand that there were any complaints against the Administration at all. Therefore, the onus of proving that there are complaints from Indians in New Zealand lies on those who say that such complaints exist.

**Mr. Lalchand Navalrai:** That is too old a question. 1922 is a long way backwards. At present there are complaints that are being made. Honourable Members are bringing these to the notice of Government, and is it not up to the Government to make inquiries and find out whether the statements reported are correct or wrong?

**Mr. G. S. Bajpai:** No, Sir. Government do not think that merely on the existence of general impressions whether ill-founded or well-founded there is justification for making inquiries.

**Mr. Lalchand Navalrai:** There are actual complaints which are not made in a vague manner. The complaints are coming from Honourable Members and I do not think Government should have any reasons to refuse the reasonable demand.

**Mr. G. S. Bajpai:** Sir, the only complaint to which reference is made in this question was dealt with in an answer given here in 1927. And I may mention for the information of the House that the complaint was that a gentleman who was a specialist in aniline dyes had taken to treating

human beings. Because of that he had been punished and perhaps rightly punished by the court of inquiry.

**Mr. Lalchand Navalrai:** But the complaint is not restricted to that complaint only?

**Mr. G. S. Bajpai:** There is no other specific complaint which has been mentioned by any Honourable Member or which is before the Government.

**Mr. Lalchand Navalrai:** A complaint may not be specifically mentioned but the general wish of the Members who put these questions is that an inquiry should be made to find the facts of the case and a positive answer given that there is no complaint.

**Mr. G. S. Bajpai:** I am quite sure that the House on reflection will agree with me that unless there is a reasonable ground for thinking that there are complaints in New Zealand, there is no point in making an inquiry.

(Mr. Lalchand Navalrai wanted to put another supplementary question, but Mr. President called him to order.)

**Mr. B. Das:** Do I take it, Sir, that in the opinion of the Honourable Member, an Indian has got an equal right of citizenship in New Zealand?

**Mr. G. S. Bajpai:** Not only is it, Sir, a question of opinion, but I am prepared to prove it to the Honourable Member by reference to the relative electoral law that an Indian in New Zealand has exactly the same rights as anybody else.

**Mr. K. Ahmed:** In view of the fact that the Honourable Member has not specifically denied it *seriatim* in his reply to all the clauses of the question, and also in view of the fact that it is implied from the answer given that in New Zealand they are preaching a complete boycott of Asiatics in general and of Indians in particular, do I take it that these matters have not been brought to the notice of the Government and am I to understand that Government are determined not to take steps to give relief to the Indian people? Is that the reason why the Honourable Member, the Secretary of the Department, is giving his answers in this manner and refuses to take notice of the complaints brought forward by Honourable Members that there has been a mal-treatment of Asiatics and particularly of Indians?

**Mr. G. S. Bajpai:** I am afraid it is not always easy to follow my Honourable friend's *impromptu* incoherences, but I have already stated that if any Honourable Member in the House will tell me that there is some specific grievance either of an individual Indian or of more than one individual, Government will make inquiries.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to answer if it is a fact that Indians are not allowed to enter New Zealand?

**Mr. G. S. Bajpai:** I have already mentioned myself that since 1918 the Government of India themselves had agreed that there shall be no further emigration from India into New Zealand.

**ABOLITION OF THE TRAFFIC AUDIT BRANCHES OF RAILWAY AUDIT OFFICES.**

889. **\*Shaikh Sadiq Hasan:** (a) Will Government be pleased to state what proposals for retrenchment in the Railway Audit Department are under the contemplation of the authorities?

(b) Is it a fact that the Traffic Audit Branches of all Railway Audit Offices will be abolished?

(c) If so, by what other statutory audit do Government propose to watch the interests of the rate-payers in regard to railway earnings?

**The Honourable Sir Alan Parsons:** The whole subject of limitation of audit and of retrenchment in the Railway Audit Department is at present under consideration.

**IMPROVEMENTS EFFECTED IN THE ACCOUNTS OR ADMINISTRATION OF DIFFERENT RAILWAYS AT THE INSTANCE OF THE AUDIT DEPARTMENT.**

890. **\*Shaikh Sadiq Hasan:** (a) Will Government please state the number and money value of the objections raised by the different Traffic Audit Branches for 1930-31? How many of these were admitted and how many were rejected together with their money value?

(b) Amongst the above are there any savings of a recurring nature effected at the instance of the audit department; if so, what is their amount?

(c) What improvements have been effected in the accounts or administration of different railways at the instance of the audit department?

**The Honourable Sir Alan Parsons:** (a) 28,186 objections of a money value of Rs. 5,67,543 were raised during 1930-31 by the different Traffic Audit Offices. Of these, 22,171 objections of money value amounting to Rs. 4,69,173 were admitted, and the remaining objections have either been rejected or are still the subject of correspondence. These figures represent the total objections and include both undercharges and overcharges.

(b) The information is not available. The Railway Audit Department estimates, however, that the total recurring savings effected during the past two years amount to nearly Rs. three lakhs per annum.

(c) Minor improvements have been effected at the instance of audit, but I have not got the details.

**ACCOUNTS OF STATIONS AUDITED BY THE NORTH WESTERN RAILWAY STATUTORY TRAFFIC AUDIT.**

891. **\*Shaikh Sadiq Hasan:** Is it a fact that the accounts of only 15 stations out of 1,100 are audited by the North Western Railway Statutory Traffic Audit?

**The Honourable Sir Alan Parsons:** Yes. The accounts of five major and ten minor stations selected at random are at present audited *every month*.

**AMALGAMATION OF THE AUDIT AND ACCOUNTS DEPARTMENTS IN THE RAILWAYS.**

892. **\*Shalkh Sadiq Hasan:** (a) Will Government kindly state the increase in expenditure on account of the separation of audit from accounts?

(b) Is it a fact that this increase in expenditure would have been considerably more, if lower scales of pay had not been introduced in the Accounts Department?

(c) Are Government prepared to consider the question of the re-amalgamation of these two departments and the introduction of the lower scales of pay introduced in the Accounts Department in the joint Audit and Accounts Department?

(d) In view of the present financial stringency, are Government prepared to re-consider the question of abolishing the separation of audit and accounts departments in the railways?

**Mr. P. R. Rau:** (a) I would refer my Honourable friend to the answer given by my predecessor to a similar question by Mr. Gunjal on the 4th March.

(b) I readily agree that if higher scales of pay had been allowed for the Accounts Department, the cost would have been greater.

(c) and (d). The question of amalgamation has recently come under the careful consideration of Government, and it has been decided to continue the present system of having an organisation for accounting and internal check as an integral part of the Railway Administration with a separate independent audit under the Auditor General, but to take all possible steps to reduce expenditure in both the departments.

**PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.**

893. **\*Shalkh Sadiq Hasan:** (a) Will Government please state how many men are working as P. W. Is. in the North Western Railway?

(b) Out of them how many are Muslims, Hindus, Sikhs and others?

(c) Are Government aware of the fact that some of the S. I. Ws. after passing their plate layers' examination, were sent to the Walton Training School for P. W. I. examination?

(d) Will Government be pleased to state how many out of the above mentioned successful candidates have been appointed P. W. Is.?

**Mr. P. R. Rau:** (a) 124.

(b) Government regret they are unable to supplement the information given in the annual administration report of Indian railways regarding the communal composition of railway staff by details regarding individual offices or classes of staff.

(c) It is presumed that these questions refer to S. W. Is. (Sub Way Inspectors) who are way subordinates employed on Permanent Way maintenance and are now called Assistant Way Inspectors, Grade I, and not to S. I. Ws. (Sub Inspectors of Works) who are works subordinates. If so, the reply is in the affirmative.



(d) No Assistant Way Inspector, referred to in paragraph (c) above, who qualified in the School, has been permanently promoted as Permanent Way Inspector as no permanent promotions to that grade have been made since 1931; but four such qualified Assistant Way Inspectors are officiating as Permanent Way Inspectors against leave vacancies.

#### PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

894. **\*Shaikh Sadiq Hasan:** Are Government aware that the apprentice P. W. Is. on the North Western Railway, after passing examinations, have been made second grade A. W. Is., but those S. I. Ws. who, beside their long experience, have passed their P. W. I. examination from the Walton Training School, have been deprived of the above-mentioned promotion so far? Will Government give reasons for this distinction?

**Mr. P. R. Rau:** I understand that Apprentice Permanent Way Inspectors, after the successful completion of their training, are recruited on 12 months' probation against vacancies of the Assistant Way Inspectors, Grade II, S. W. Is. (now called A. W. Is., Grade I) are recruited from the rank of mates, mistries and time-keepers; in view of the difference in the standard of education of the apprentice class and the promoted man, the latter are not promoted as A. W. Is., Grade II.

#### APPOINTMENT OF PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

895. **\*Shaikh Sadiq Hasan:** Is there any fixed proportion on the North Western Railway for appointments to P. W. I. posts between apprentice P. W. Is. and S. I. Ws. who have passed the P. W. I. examination? If not, do Government propose to fix a ratio?

**Mr. P. R. Rau:** I understand the proportion of promotions from the two grades are roughly as follows: 3 from Grade II and 1 from Grade I.

#### APPOINTMENT OF PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

896. **\*Shaikh Sadiq Hasan:** Are Government prepared to consider the question of promoting A. W. Is., Grade I on the North Western Railway—who have qualified in the duties of P. W. I. first locally and then from the Walton Training School and who have also worked for one year as P. W. Is.—to A. W. I. second grade like the apprentice P. W. Is. who are getting this grade?

**Mr. P. R. Rau:** I understand that promotion from Grade I to Grade II Assistant Way Inspector is not usual, the reason being that Mates, Mistries and Time Keepers do not pass the same examination as that taken by Apprentice Permanent Way Inspectors at the end of their apprenticeship. The Agent, North Western Railway, has been asked to re-examine the matter,

**OFFICIATING CHANCES OF PERMANENT WAY INSPECTORS FOR MUSLIMS IN LAHORE DIVISION OF THE NORTH WESTERN RAILWAY.**

897. \***Shakh Sadiq Hasan**: Is it a fact that in the Lahore Division, North Western Railway, the officiating chances of P. W. Is. are not being given now-a-days to Muslims, while non-Muslims who are juniors get such chances?

**Mr. P. R. Rau**: The Agent reports that arrangements are made from qualified men in order of seniority based on the whole line and subject to the proportions given in the reply to question 895 above, except for short vacancies up to two months. which Divisions are permitted to fill by the most convenient local arrangements. I have brought this question to his notice in order that he may see that no grounds for such an allegation are allowed to exist.

(Mr. S. G. Jog rose to put question No. 898 standing in the name of Lieut.-Colonel Sir Henry Gidney.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order; this question cannot be asked.

**Mr. S. G. Jog**: I would like to raise a point of order, Sir. When the notice of the question was given, the Honourable Member who gave notice of it was a Member of the House and, in the Simla Session, in order to suit the convenience of other important work, these questions were held over. Fortunately or unfortunately, the Member who had put the question has gone to the Round Table Conference and I would like to point out that it will mean a great hardship if this question is not answered. In view of these special circumstances, I may be allowed to put it.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order, If the Honourable Member feels so strongly on the subject, he can give notice of that question himself. The Honourable Member who gave notice of that question has ceased to be a Member of the Assembly and has, therefore, lost the right of interpellating Government.

†898. \*

**USE OF ONIONS IN JAIL DIET.**

899. \***Pandit Satyendra Nath Sen**: (a) Is it a fact that the onion forms an important part in the preparation of food of jail prisoners in the centrally administered areas?

(b) Are Government aware that the onion is forbidden for high caste Hindus by their *Shastras*?

(c) Are Government prepared to discontinue the use of the onion in jail diets for high caste Hindus or allow any prisoner who has objection to the taking of onions to cook his own food?

† This question was not answered as the Honourable Member (Lieut.-Colonel Sir Henry Gidney) has since resigned.

**The Honourable Mr. H. G. Haig:** (a) The onion is of antiscorbutic value and is, therefore, generally included in the prescribed scale of dietary for prisoners, but it is not supplied in all Jails in the centrally administered areas.

(b) I do not wish to question the authority of the Honourable Member in matters relating to the *Shastras*.

(c) I am not aware that objections have been taken to the use of onions in jail dietary. Indeed I am informed that the Bengali prisoners who have been sent to the Andamans have specially asked for them.

**EXEMPTION OF POLITICAL PRISONERS FROM CALLING OUT  
"SARKAR SALAAM".**

900. **\*Pandit Satyendra Nath Sen:** (a) Are Government aware that even the most docile of political prisoners generally has strong objection to "*Sarkar Salaam*"?

(b) Is it a fact that insistence on the above by the jail authorities has often given rise to a fracas within jails?

(c) If so, do Government propose to revise the jail code so as to exempt the political prisoners from the above formality?

**The Honourable Mr. H. G. Haig:** (a) No.

(b) No.

(c) Does not arise.

**FUNCTIONS OF THE MEMBERS OF THE CENTRAL ADVISORY COMMITTEE FOR  
RAILWAYS.**

901. **\*Pandit Satyendra Nath Sen:** (a) What is the exact function of a member of the Central Advisory Committee for Railways?

(b) How many times does that committee generally meet during a year?

(c) Is a member of the said committee allowed to travel free on the various Railways to collect first-hand information relating to them?

(d) If not, do Government propose to make such arrangements in order to give the members better facilities for inspection and advice?

**Mr. P. R. Rau:** (a) To advise on such important questions of policy as may be placed before it by the Member in charge of railways.

(b) It depends on the business before it.

(c) and (d). No.

**ADMISSION OF MOPLAHS IN THE ARMY.**

902. **\*Mr. Uppl Saheb Bahadur:** (a) Will Government be pleased to state whether there is any ban against the admission of Moplahs in the army; if so, why?

(b) If not, why is admission refused to them in the Territorial Force?

**Mr. G. R. F. Tottenham:** (a) Moplahs are not recruited for the Indian Army. They were given a trial in the regular Army before the War and the experiment was not a success.

(b) Moplahs have not been recruited for the Indian Territorial Force owing to objections on the part of the Local Government.

**Mr. K. Ahmed:** In view of the fact that the Honourable Member's Department did not object to the wholesale release of the Moplah prisoners and in view of the fact that the riots in which they took part occurred more than 12 years ago, do the Government realise that the Moplahs of the present day are quite a different people from the Moplahs of the days of the riots, and will the Government change their policy and recruit these poor people to the Army?

**Mr. G. R. F. Tottenham:** I am quite prepared to address the Local Government on the subject and ask whether they still adhere to their former objections or whether they would now be prepared to withdraw them.

**Mr. Uppi Sahab Bahadur:** What are the reasons for excluding the Moplahs even from the Territorial Force? What are the reasons given by the Local Government?

**Mr. G. R. F. Tottenham:** The Honourable Member should be able to guess the reasons for himself.

†903.\*

PERFORMANCES STAGED BY THE V. J. BHARAT THEATRICAL COMPANY OF BOMBAY IN DELHI.

904. **\*Mr. Gaya Prasad Singh:** (a) Are Government aware that a theatrical company by name "The V. J. Bharat Theatrical Company of Bombay" has staged performances in a local theatre at Ajmeri Gate, Delhi, on 9th, 10th, 11th and 12th July, 1932, "India now and then"; and on 19th, 20th and 21st August, 1932, "Dukhia Bharat"? If so, who are the authors?

(b) Are Government aware that Government servants were obliged to purchase tickets and to see the performances?

(c) Is it a fact that Sardar Mehtab Singh, Industrial Surveyor, has managed these performances, and that most of the actors were Government servants?

(d) Is it a fact that arrangements were made for this Company by the district authorities to tour in the rural areas of Delhi; and are Government aware that certain prostitutes were forced to take part with a view to making the shows more attractive?

(e) Is it a fact that licence to sell liquor was temporarily sanctioned by the local authorities?

(f) Is it a fact that Sheikh Abdul Samad, City Magistrate, Delhi, was on duty at the time of the performances?

(g) Is it a fact that these performances were picketed by the Congress volunteers? If so, how many have been arrested and convicted; and under what emergency powers was this picketing declared unlawful?

† This question has already been answered; see page 1485 of L. A. Debates, dated 28th September, 1932.

**The Honourable Mr. H. G. Haig:** (a) "India Now and Then" was staged by the Lakshmi Kanta Theatrical Company on the 9th, 10th, 11th and 12th July and "Dukhia Bharat" was staged by the Vijay Bharat Theatrical Company on the 19th, 20th, 21st and 22nd August. The name of the author is Sayed Jaffar Husain, a professional dramatist.

(b) No. This was not the case.

(c) No.

(d) No arrangements have been made by the District authorities beyond those relating to adequate police protection for which requests were made by the companies. There is no truth in the statement made in the second part of this question.

(e) The manager of one of the companies applied for the grant of a temporary liquor license for two days which was sanctioned, but was not utilised.

(f) No.

(g) I would refer the Honourable Member to my reply given on the 15th September to his question No. 278.

**Mr. Gaya Prasad Singh:** With regard to the answer to part (c), may I know why sanction for the sale of liquor was granted?

**The Honourable Mr. H. G. Haig:** I imagine there was no objection to that. What objection does the Honourable Member suggest?

**Mr. Gaya Prasad Singh:** Does the Honourable Member realise that the selling of liquor would inevitably result in encouraging people to take liquor? (Laughter.)

**The Honourable Mr. H. G. Haig:** I should not be prepared to deny the suggestion of the Honourable Member.

#### BONUS PAID BY MR. HAYMAN TO CHARITABLE BODIES FROM THE INCOME OF THE HAYMAN-MOHINDRA PUNCHING MACHINES.

905. **\*Mr. M. Maswood Ahmad** (on behalf of Dr. Ziauddin Ahmad):

(a) With reference to the statement made by Government in reply to a supplementary question to question No. 119 answered on the 8th September, 1932, will Government be pleased to state the names of the charitable bodies to which Mr. Hayman gave his bonus from the Hayman-Mohindra punch together with the amount and date of payment?

(b) What is the total purchase value of the Hayman-Mohindra punches, which Government have so far paid?

(c) What is Mr. Hayman's share in the bonus? \*

(d) Who fixed the price of this punch?

(e) Who is Mohindra whose name is associated with the punch?

**Mr. P. R. Rau:** (a) When I stated in reply to the supplementary question that Mr. Hayman had offered to devote his share of the royalty received by him when he was a Member of the Railway Board, to

charitable purposes, I was speaking from my memory. I have since looked into the files and I can give somewhat more detailed information. I find that in March, 1929, Mr. Hayman stated that he did not wish to receive his share of royalty on any sales of the machine to railways, the property of the State, during the time he was Member of the Railway Board, and if for technical reasons payment was required to be made to him as otherwise it would be paid to Mr. Mohindra, he would receive the payment and would either refund it to Government or pay it over to the Indian Railways Athletic Association. Government noted this proposal of his, but did not make it a condition on which he was permitted to receive his share of the royalty. Government did not, therefore, think it necessary to obtain information as to how exactly Mr. Hayman dealt with the amount received by him; but Mr. Hayman has asked me to make it clear that he has taken no personal gain from the sale of the punches and none were purchased after he became a Member of the Railway Board and he has received no royalties thereafter. The royalties received by him on purchases made before his appointment as Member of the Railway Board amounted to a little over Rs. 10,000. Of this, he has made a payment of Rs. 2,600 to the Indian Railways Athletic Association and the Indian Hockey Tour Fund. The balance has been utilised in helping railway employees in distress.

(b) The total purchase price is, including punches, refills, date box, etc., as I have already explained, Rs. 2,43,632-13-0.

(c) In December, 1928, when asking the Government's permission to retain his share of the royalty of 15 per cent. of the orders placed by railways for the above punches, Mr. Hayman stated that the arrangements between him and his partner were that of the royalty the first 10,000 rupees were to be paid to Mr. Mohindra to cover preliminary expenses and the balance was to be divided equally between himself and Mr. Mohindra.

(d) The price of the punch must have been fixed by the Agent, East Indian Railway, by negotiation with Messrs. Martin & Company.

(e) Mr. Mohindra was, as I have already explained, an Engineer in the service of Messrs. Martin & Company at the time.

#### TENURE OF OFFICE OF THE PRESIDENT, RAILWAY ADVISORY COMMITTEE.

906. \***Mr. M. Maswood Ahmad** (on behalf of Dr. Ziauddin Ahmad): Is the President of the Railway Advisory Committee appointed permanently, or is he appointed for a limited period? If permanently, is there any age limit for appointment and retirement?

**Mr. P. R. Rau:** The Committee is itself on a temporary footing and, naturally, so is the President.

#### NUMBER OF BENGALIS DETAINED UNDER BENGAL REGULATION III OF 1818.

907. \***Mr. S. O. Mitra:** Will Government be pleased to state the total number of men belonging to the province of Bengal detained without trial under Bengal Regulation III of 1818?

**The Honourable Mr. H. G. Haig:** 21.

†908.\*—916.\*

**APPOINTMENT OF LILLOOAH *ex*-APPRENTICES AS WARD KEEPERS, ETC.,  
ON THE EAST INDIAN RAILWAY.**

917. \***Mr. S. C. Mitra:** (a) Will Government please state whether the *ex*-apprentices (mechanical) of the East Indian Railway Workshop, Lillooah, are qualified for the posts of Ward Keepers and Assistant Ward Keepers under the Controller of Stores, East Indian Railway, and whether they have been taken in as such? If so, what is the number of Europeans, Anglo-Indians, and Indians taken in as such?

(b) Is it a fact that two European or Anglo-Indian *ex*-apprentices of Lillooah Workshop, who failed in the Technical School, have been taken in as Ward Keeper and Assistant Ward Keeper, while no Indians have been appointed? Is it a fact that better qualified Indian *ex*-apprentices of 1930 were available?

(c) If the answer to part (b) above be in the affirmative, will Government please state the reasons for not selecting any successful Indian *ex*-apprentices of 1930 and what were the grounds for selecting the two unsuccessful Europeans or Anglo-Indians? Are Government prepared to take steps to replace them by successful *ex*-apprentices who are waiting? If not, why not?

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(d) Do Government propose to take in such apprentices as Ward Keepers and Assistant Ward Keepers in all future cases and issue orders to the Controller of Stores to this effect? If not, why not?

**Mr. P. R. Rau:** With your permission, Sir, I will reply to questions Nos. 917—924 together. I have called for certain information and will lay a reply on the table, in due course.

**APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.**

†918. \***Mr. S. C. Mitra:** (a) With reference to the answer to my starred question No. 468 of 5th March, 1930, will Government please state the number of vacancies which occurred in Lucknow and Tatanagar Workshops since 1930, and what is the number of European, Anglo-Indian and Indian *ex*-apprentices of Lillooah Workshop who have been taken in as such?

(b) Is it a fact that one European or Anglo-Indian *ex*-apprentice of Lillooah Workshop of 1930, who failed in the Technical School, has been appointed in Tatanagar Workshop in 1980? Is it a fact that better qualified Indians were available?

(c) If the answer to part (b) above be in the affirmative, will Government please state the reasons for not selecting any successful Indians of the 1930 batch and what were the grounds for selecting the unsuccessful European or Anglo-Indian for the post?

(d) Do Government propose to keep a waiting list of the *ex*-apprentices with the Chief Mechanical Engineer so that they may be called to fill the vacancies in the workshops under him? If not, why not?

† These questions were withdrawn by the questioner.

‡ For answer to this question, see answer to question No. 917.

**WAITING LIST OF MECHANICAL APPRENTICES TRAINED AT THE EAST INDIAN RAILWAY WORKSHOP, LILLOOAH.**

†1919. \***Mr. S. C. Mitra:** Will Government please lay on the table a copy of the waiting list of the mechanical apprentices who completed their training from the East Indian Railway Workshop, Lillooah, since 1930?

**APPOINTMENT OF APPRENTICES IN THE PRODUCTION DEPARTMENT OF THE LILLOOAH WORKSHOPS.**

†1920. \***Mr. S. C. Mitra:** (a) With reference to the answer to my starred question No. 424 (b) of 16th September, 1931, will Government please state:

- (a) whether it is a fact that one *ex*-apprentice of 1931, who passed in the second division, has been appointed in the Production Department?
- (b) whether it is a fact that one *ex*-apprentice of 1930, who passed in the first division, worked in the Production Department for a longer period than all other apprentices;
- (c) whether it is a fact that the Mechanics and Chargemen who are working in the Production Department had no training in that Department;
- (d) if the answers to parts (a) and (b) above be in the affirmative, the reasons for selecting the *ex*-apprentice of 1931, in preference to the *ex*-apprentice of 1930; whether Government are prepared to appoint the latter when the next vacancy occurs; if not, why not?
- (e) if the answer to part (c) be in the negative, whether Government will please lay on the table the names of the Mechanics and Chargemen who are working in the Production Department with the particulars of their training and service?

**RACIAL DISCRIMINATION IN THE APPOINTMENT OF APPRENTICES IN THE LILLOOAH WORKSHOPS.**

†1921 \***Mr. S. C. Mitra:** (a) Is it a fact that one Anglo-Indian who completed his apprenticeship training from the East Indian Railway Electrical Department (Power House), Lillooah, has been appointed as a mechanic in the Train Lighting shop in the Carriage and Wagon Department, Lillooah?

(b) Is it a fact that two Europeans or Anglo-Indians were first appointed as apprentice Train Examiners in the East Indian Railway Workshop, Lillooah, and on the merit of their training for a few months only they were taken in, after the abolition of that system, as mechanics in Millwright and Forge and Smithy Shops?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government please state the reasons for not selecting any mechanical hands and the grounds for selecting those Europeans or Anglo-Indians for the posts who had no mechanical training?

(d) Do Government propose to take steps without further delay to replace them by mechanical hands who completed five years' course under them and who are waiting? If not, why not?

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† For answer to this question, see answer to question No. 917.



### MECHANICAL APPRENTICES IN THE PRODUCTION DEPARTMENT OF THE LILLOOAH WORKSHOPS.

†922. \***Mr. S. C. Mitra:** (a) Will Government please lay on the table the names of all the mechanical apprentices who worked under the Production Engineer in the East Indian Railway Workshop, Lillooah, with their period of training and result (percentage of marks) in the Technical School?

(b) Is it a fact that all Mechanical Apprentices work in the Production Department in the East Indian Railway Workshop, Lillooah? Is any mechanical work done by them there?

(c) If the answer to the latter portion of part (b) be in the negative, do Government propose to stop such practice without further delay? If not, why not?

### RACIAL DISCRIMINATION IN THE APPOINTMENT OF APPRENTICES IN THE LILLOOAH WORKSHOPS.

†923. \***Mr. S. C. Mitra:** (a) Is it a fact that in spite of the assurance given in reply to my starred question No. 424 (d) of 16th September, 1931, arrangements have been made to appoint two Anglo-Indians (one of whom failed in the Technical School), ignoring the claims of better qualified Indian ex-apprentices who are waiting?

(b) If the answer to part (a) be in the affirmative, are Government prepared to appoint the successful ex-apprentices who are waiting? If not, why not?

### MECHANICS, CHARGEMEN, JOURNEYMEN AND DRAUGHTSMEN APPOINTED IN THE EAST INDIAN RAILWAY WORKSHOPS AT LILLOOAH AND JAMALPORE.

†924. \***Mr. S. C. Mitra:** Will Government please lay on the table the names of the Mechanics, Chargemen, Journeymen and Draughtsmen who were appointed in the East Indian Railway Workshops at Lillooah and Jamalpoore with their dates of appointments, starting salaries and technical education?

†925.

### POSTING OF BATTALIONS IN THE BENGAL PRESIDENCY.

926. \***Mr. S. C. Mitra:** With reference to the communiqué issued by the Government of India with regard to the posting of some battalions in Bengal Province to meet the terrorist movement there, will Government be pleased to state:

- (a) whether the Government of Bengal have requisitioned the assistance of such additional forces for Bengal;
- (b) whether any public body or organisation or any public men of Bengal have asked for such military assistance for the province; and

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† For answer to this question, see answer to question No. 917.

† This question was withdrawn by the questioner.

- (c) whether the Government of India have resolved upon the posting of the battalions on realising that the provincial police and military forces are not sufficient to cope with the terrorist menace in the province?

**The Honourable Mr. H. G. Haig:** (a) Yes.

(b) No.

(c) The military forces are not intended to carry out the duties of the police. They have been sent in order to encourage Government servants and the large body of well disposed citizens, and to demonstrate to the terrorists that Government have ample forces at their disposal.

**ARRANGEMENTS FOR THE COLLECTION OF INCOME-TAX IN CALCUTTA ON INCOMES BELOW Rs. 2,000.**

927. **\*Mr. S. C. Mitra:** Will Government be pleased to state:

- (a) in what proportion the number of the income-tax assesseees in Calcutta has increased since the minimum taxable income has been lowered to Rs. 1,000 per annum;
- (b) what steps they have taken to cope with the increased collections in Calcutta;
- (c) what additions they have made to the Treasury staff at Charnock Place to cope with the rush of daily payers at the counters; and
- (d) whether representations from the public have reached them complaining about the inconveniences and delays experienced by them when making payments?

**The Honourable Sir Alan Parsons:** (a) There has been an increase of about 60 per cent. in the number of assessecs in Calcutta owing to the lowering of the minimum taxable limit.

(b) The extra staff appointed to cope with the extra work includes 16 Income-tax Officers, 3 Examiners, 81 clerks and 19 inferior servants.

(c) The Government of Bengal propose to appoint four clerks in the Calcutta Treasury to cope with the increased work.

(d) No.

**Mr. Lalchand Navalrai:** Is there any likelihood that this standard of assessing which has been lowered will be done away with?

**The Honourable Sir Alan Parsons:** The Honourable Member must not ask me to prophesy.

**Mr. Lalchand Navalrai:** The Honourable Member must be knowing how much expenditure is incurred in collecting the tax and whether it is profitable to continue this low standard of assessment and also whether there is any necessity to retain this.

(No answer.)

**PAYMENTS ON HALF PORTIONS OF CURRENCY NOTES.**

928. \***Mr. S. C. Mitra:** (a) With reference to the recent Press Communiqué issued by the Controller of Currency, Calcutta, that half value only will be paid on the half note which bears the complete undivided serial letter and number with effect from 1st November, 1932, will Government be pleased to state whether no payments will be made on the other half of the currency note which has been mutilated or destroyed?

(b) Is it a fact that the half-note will be current in the market for half-value just as any full note?

(c) Are Government aware that the communiqué has created a panic and a misapprehension in the minds of the public and the business men? If so, do they propose to remove the same? If not, why not?

(d) Is there any reason for the rigid and stricter enforcement of the rules regarding refund of cut notes and is it proposed to consider certain cases as special cases for refunds? If so, in what cases?

(e) Is it proposed to issue a fresh communiqué regarding the refund of cut notes stating the rules more clearly and precisely? If not, why not?

**The Honourable Sir Alan Parsons:** (a) This is correct.

(b) No.

(c) No.

(d) The attention of the Honourable Member is invited to Finance Department Resolution No. F-20-XI-F. of the 15th October, 1925, which explains in detail the object of the rules. The rules have not been altered. The object of the recent Press Communiqué was merely to give ample warning that certain discrepancies in their administration in different currency offices would be discontinued. Special cases will of course be considered in accordance with the rules.

(e) No, the Government of India consider that the purport of the rules is quite clear.

**DISTRIBUTION OF SEATS ACCORDING TO THE COMMUNAL AWARD.**

929. \***Mr. S. C. Mitra:** Will Government be pleased to state:

(a) what the percentage of population of Hindus and Muhammadans is in the different provinces of India;

(b) what the percentage of seats allotted to Hindus and Muhammadans is in the different provinces according to the recent Communal Award; and

(c) what was the recommendation of the various Provincial Governments and of the Government of India regarding the distribution of seats to these communities?

**The Honourable Sir Brojendra Mitter:** (a) The Honourable Member is referred to Table D of the Census Tables published with the Home Department Resolution No. F-45/13/31-Public, dated the 13th April, 1932, a copy of which is available in the Library of the House.

(b) The Honourable Member is referred to the decision itself.

(c) The decision was one of His Majesty's Government and I am not in a position to supply the Honourable Member with any information in this respect.

**REMOVAL OF LALA JUGAL KISHORE KHANNA FROM THE MEMBERSHIP OF THE DELHI MUNICIPAL COMMITTEE.**

980. **\*Mr. S. C. Mitra:** (a) Will Government be pleased to state whether it is a fact that Lala Jugal Kishore Khanna, Advocate, has been removed from the membership of the Delhi Municipal Committee (to which he was elected by the suffrage of the electors) for being convicted under section 17 of the Criminal Law Amendment Act?

(b) Is it a fact that, in reply to the Deputy Commissioner of Delhi who had called upon him to explain why he should not be removed from the Municipal Committee, Mr. Khanna stated that he was summarily convicted on the charge that he was a member of the Delhi Congress Committee which association was a part of the Indian National Congress which has not yet been declared an unlawful body and that "at the worst the District Congress Committee had adopted a method of political protest which it honestly believed was warranted by the inherent constitutional rights of the subjects but which the Government regarded as an interference with law and order"? If so, is it a fact that for the above reply he was removed from the Municipal Commissionership of Delhi?

**Mr. G. S. Bajpai:** (a) Yes.

(b) Yes. Lala Jugal Kishore Khanna was removed from membership of the Municipal Committee by the Chief Commissioner, Delhi, under the concluding portion of section 16 (1) (a) of the Punjab Municipal Act, 1911.

**GRIEVANCES OF THE RAILWAY EMPLOYEES.**

931. **\*Mr. S. C. Mitra:** (a) Will Government be pleased to state whether there has been any correspondence recently between the Railway Board and the Railwaymen's Federation regarding certain grievances of the Railway employees?

(b) If so, what are their demands and which of them have been accepted by the Railway Board?

(c) Is it a fact that the Federation has given an ultimatum that if all the demands are not accepted, there is no alternative but to strike?

(d) Are Government aware that a strike in the present economic depression will be disastrous to the best interests of the country?

(e) Are Government aware that a general meeting of the Federation was held at the end of August to take stock of the preparations for the strike?

(f) What step or steps are being proposed to be taken to meet their grievances?

**Mr. P. R. Rau:** (a) and (c). I would refer the Honourable Member to the statement summarising the discussions between the Railway Board and the All-India Railwaymen's Federation held on the 13th and 14th June, 1932, and the Railway Board's letter No. 381-L., dated 2nd August, 1932, and containing the decisions of the Government of India on suggestions made by the Railwaymen's Federation, copies of which will be found in the Library of the House.

(b) and (f). The main alternatives to the method of discharge of surplus staff that were proposed by the Federation were:

(i) the grant of compulsory leave without pay and

- (ii) borrowing from the Depreciation Fund. These suggestions had as their object not only the avoidance of further discharges but the reinstatement of employees discharged last year. The Government of India were unable to consider any suggestions made with the object of reinstating employees discharged last year. They were also unable to accept the proposition that money should be borrowed from the Depreciation Fund in order to avoid discharging staff surplus to requirements, which would, in their opinion, amount to the grant of an un-employment dole from public revenues for the sole benefit of railway servants.

With regard to the proposal to avoid further discharges by the adoption of a method of compulsory leave by rotation, they consulted railway administrations who were generally not in favour of adopting this procedure in order to avoid discharging staff permanently in excess of requirements, though certain administrations were prepared to consider its adoption when staff were temporarily in excess of requirements and when their services were likely to be required again before long. The Government of India did not consider that it would be justifiable to ask staff who were in no danger of being retrenched and who were already subject to the emergency cut in pay to agree to the further wage cut entailed by compulsory leave by rotation. While, however, they were unable to accept this suggestion of the Federation as a general alternative to discharge, they have authorised such railway administrations as wished to do so to adopt the method as an alternative in definite categories when the financial effects of both the methods were approximately the same. They have also agreed, at the request of the Federation to voluntary retirements being permitted on special terms up to the 31st October, 1932, from units in which there was no surplus but where there was a waiting list of men discharged with the object of facilitating the re-employment of the latter. Finally they have asked railway administrations, to make allowance for normal wastage and to adopt other suitable expedients to minimise discharges as far as may be reasonably possible. These, with the special terms that have been offered to induce voluntary retirements, have resulted in the anticipated number of persons to be discharged in the course of the present retrenchment being very materially reduced. While the surplus staff including those likely to become surplus in the near future was estimated in January last to be 11,959 employees the total number of employees it has so far been decided to discharge is only about 1,900. This however does not include a surplus of nearly 1,000 employees on the Bengal Nagpur Railway and 700 in the Engineering Department of the Great Indian Peninsula Railway, but it is expected that the staff to be discharged out of these surpluses will be reduced by voluntary retirements and transfers to other suitable posts, so that the total of the staff to be discharged will not, it is anticipated, exceed 3,000 employees and may be less.

(d) Government concur with the Honourable Member as regards the deplorable effects that are likely to result from a strike.

(e) Government have seen such a statement in the Press.

**Mr. B. Das:** Is it not a fact that there is a strike on one of the Railways in Madras? What is the cause of that strike, and has it been settled?

**Mr. P. R. Rau:** The strike has not yet been settled. As regards the causes of the strike, I would refer the Honourable Member to the statements that have appeared in the Press both on behalf of the strikers and on behalf of the Railway Administration.

**Mr. B. Das:** Have the Railway Board taken any steps to settle that strike or are they going to lock the people out?

**Mr. P. R. Rau:** We have not declared a lock-out; it is the strikers who started it.

**Mr. B. Das:** Is it going to be a fight to the finish?

**Mr. P. R. Rau:** I am afraid I cannot add anything to the information at present available to Honourable Members.

†932.\*

#### FRACAS BETWEEN THE MILITARY POLICE AND THE WARDERS OF THE PATNA CAMP JAIL.

933. \***Mr. S. C. Mitra:** (a) Will Government be pleased to state whether there was a serious fracas between the Military Police and the Warders of the Patna Camp Jail as a result of which more than 15 persons were more or less injured on both sides?

(b) If so, why and how did the fight take place?

(c) Were there ill-feelings for some time before or did the quarrel take place on the spur of the moment?

(d) Had it any concern with the political prisoners lodged in the jail?

(e) What steps, if any, were taken to check the fracas by the Superintendent in charge of the camp jail?

**The Honourable Mr. H. G. Haig:** (a) There was a fracas in which about ten persons were injured.

(b) The fracas started at the entrance to the jail owing to the refusal of a warden, not in uniform, to stop when challenged by the sentry. This led to an altercation in which other warders and police guards joined.

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† This question was withdrawn by the questioner.

(c) It is believed that there was some previous ill-feeling between some of the warders and some of the police guards.

(d) The fracas had no connection with the prisoners nor were any of the prisoners concerned in it.

(e) The Superintendent, with the assistance of the Deputy Superintendent and the Sergeant Major, stopped the fracas promptly.

† 934.\*

**OCCUPATION OF A FIRST CLASS COMPARTMENT ON THE KARACHI MAIL TRAIN  
BY ONE MR. VISHWA NADHAN, A RAILWAY EMPLOYEE.**

935. \***Mr. S. C. Mitra:** (a) Are Government aware that Mr. Vishwa Nadhan, a Railway employee, was occupying the whole and only one available four-berth first class compartment on the Karachi mail train travelling from Lahore to Karachi on the 19th August?

(b) Was Mr. Vishwa Nadhan on duty?

(c) If the answer to part (b) be in the affirmative, will Government please state how many railway first class passes he was holding to entitle him to occupy all the four berths in the only one four-berth compartment available on that train?

(d) If the answer to part (c) be in the negative, will Government please state how and why this railway employee was allowed to occupy the whole and only one available first class four-berth compartment?

(e) Are Government aware that three first class passengers having paid three first class fares were greatly inconvenienced due to Mr. Vishwa Nadhan's occupying the whole and only one available first class four-berth compartment?

(f) Are Government aware that Mr. Vishwa Nadhan was travelling with a lady and a child below three years old?

(g) If the answer to part (f) be in the affirmative, will Government please state if they are Mr. Vishwa Nadhan's dependants?

(h) If the answer to part (f) be in the affirmative, will Government please state if the fares for the three first class berths will be recovered from Mr. Vishwa Nadhan?

**Mr. P. R. Rau:** (a) Mr. Vishwa Nadhan, who is a Railway employee, was occupying a four-berth first class compartment which was not, however, the only four-berth first class compartment on the train.

(b) (f) and (g). Yes.

(c) He held a metal pass which entitled him to travel with his family. The Agent, North Western Railway, reports that only two berths in the compartment were occupied by Mr. Vishwa Nadhan.

(d) Does not arise.

(e) No. As already stated there were other first class compartments.

(h) Does not arise, in view of my reply to part (c).

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† This question was withdrawn by the questioner.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if there is a rule that in respect of occupation preference should be given by pass-holders to passengers who actually pay the fares?

**Mr. P. R. Rau:** There is such a rule, but it applies only to the starting station.

**Mr. S. G. Jog:** Is it not a fact that railway servants take unfair advantage of the privilege granted to them as a result of which ordinary passengers who pay their fares are put to inconvenience?

**Mr. P. R. Rau:** I am not aware of that.

**Mr. S. G. Jog:** Will the Honourable Member kindly inquire whether this practice does exist, for instance, if there is one berth they occupy the whole compartment?

**Mr. P. R. Rau:** If my Honourable friend will bring to my notice any specific instances of such cases, I will certainly inquire into them.

**Mr. S. G. Jog:** It is a thing which is of daily occurrence and if the Honourable Member will care to go and see things for himself at the station, he will find that there are plenty of instances every day.

**Mr. S. O. Mitra:** Does the Honourable Member know that even this rule that preference will be given at the starting station is not followed and generally pass-holders are given preference over the paying passengers?

**Mr. P. R. Rau:** I am not aware of that, but my offer to investigate any specific cases that are brought to my notice will apply to this case also.

**Mr. S. O. Mitra:** Will the Honourable Member take it from me that the gentleman I have named was occupying the whole compartment and did not allow others to get in?

**Mr. P. R. Rau:** I have been informed by the Agent of the North Western Railway that he occupied two berths only.

**Mr. S. O. Mitra:** Is not this information based on the statement of a person who is greatly interested in making such a statement to save himself?

**Mr. P. R. Rau:** I do not know what steps the North Western Railway took to get this information, but that is the information I have.

**Mr. S. O. Mitra:** Will the Honourable Member kindly ask the Agent of the North Western Railway to ascertain from Mr. Vishwa Nadhan whether he prevented first class passengers from entering that particular compartment on that particular day?

**Mr. P. R. Rau:** I will make that inquiry.



### RULES FOR THE GRANT OF PASSES TO RAILWAY EMPLOYEES.

936. **\*Mr. S. C. Mitra:** Will Government please state the rules governing the allowance of passes to railway employees on duty?

**Mr. P. R. Rau:** Railway employees travelling on duty are given passes in all cases without exception.

### RULES FOR THE GRANT OF PASSES TO RAILWAY EMPLOYEES.

937. **\*Mr. S. C. Mitra:** Will Government please state the rules for allowance of passes to railway employees when they do not travel on duty but they travel to go home on leave, or when they travel for pleasure?

**Mr. P. R. Rau:** The rules governing the issue of passes to railway employees, when on leave, vary on the different State-managed railways except as regards gazetted officers who are allowed on all these railways first class passes irrespective of any limit. As regards other staff, broadly stated, the position is as follows:

Second class passes are issued to staff on salaries in excess of a figure varying from Rs. 100 to Rs. 125 per mensem.

Inter class passes are issued to staff on salaries varying from Rs. 50 to Rs. 125 per mensem.

Third class passes are issued to staff on less than Rs. 50 per mensem.

The number of single journey passes admissible to other than gazetted officers also varies. It is higher on some railways than on others, but the general limit may be taken as about eight single journey passes each year.

### RETRENCHMENT OF INDIANS IN THE IMPERIAL SERVICES.

938. **\*Mr. B. Das** (on behalf of Sardar Sant Singh): (a) How much did Government spend for the training of every Indian in England for each of the Imperial Services since 1926?

(b) Is it a fact that instead of retiring those who have almost completed their service, young Indians who happen to be junior officers are being retrenched? If so, how many have been retrenched from each of the All-India Services and from each province?

(c) Will Government please give the names of those gentlemen who have been ear-marked for retrenchment as inefficient in each of these Services?

(d) In view of the necessity for economy, do Government propose to see that the Indian officers, for whose training they have spent huge sums, are not turned out in the place of those who have put in almost full service?

(e) Is it a fact that there are quite a good number of officers belonging to the All-India Services in each province who have almost completed their service and will soon be retiring?

(f) If the reply to part (e) be in the affirmative, is it not a fact that Government will then have to spend again for the training of new men and thus burden the Indian Exchequer?

(g) In view of the great financial stringency, do Government propose to consider the desirability of absorbing the retrenched officers belonging to each of these Services in the future vacancies before any sums are spent for the training of fresh Indian candidates? If not, why not?

**The Honourable Mr. H. G. Haig:** (a) I am unable to supply the information required by the Honourable Member, as its collection would involve undue expenditure of public time,

(b) to (g). I am making enquiries and hope to be able to lay some general information on the table in due course, though I do not propose to go into the case of individual officers.

**REMOVAL OF GRIEVANCES ABOUT PAY AND ALLOWANCES OF THE TRAVELLING TICKET INSPECTORS AND OLD CREWMEN OF THE EAST INDIAN RAILWAY.**

939. **\*Mr. Muhammad Anwar-ul-Azim** (on behalf of Dr. Ziauddin Ahmad): When do the Railway Board propose to remove the grievances about the pay and allowances of the Travelling Ticket Inspectors and old crewmen in the East Indian Railway and settle the question?

**Mr. P. R. Rau:** I would invite the Honourable Member's attention to the reply given to parts (b) to (e) of his question No. 841 on the 26th September, 1932. I hope that a decision will be arrived at on this subject very shortly.

**COLLIERIES OWNED BY THE STATE AND COMPANY RAILWAYS.**

940. **\*Mr. Muhammad Anwar-ul-Azim** (on behalf of Mr. A. H. Ghuznavi): (a) Will Government be pleased to lay on the table the names of the collieries owned by State Railways and of those owned by Company Railways, giving the dates on which they were purchased and the price paid for each colliery?

(b) Which of these collieries are under the direct control of Mr. Whitworth and which of them are managed by the Railways themselves?

(c) Will Government please lay on the table a statement showing, year by year, what quantities of coals were raised from each of these collieries since their purchase, giving the cost of raising?

(d) Did Government ever call for public tenders for raising contracts, and, if so, when?

(e) Will Government state the names of persons or firms to whom raising contracts had been given since the collieries were purchased, stating the rates at which they were paid, and mentioning the period for which the contracts were given?

**Mr. P. R. Rau:** (a) and (c). The Honourable Member is referred to Appendix B (pages 228 and 229), Volume II of the Railway Board's annual reports on Indian Railways, copies of which are in the Library.

(b) The following State Railway collieries are under the direct control of the Chief Mining Engineer:

Kargali,

Bhurkunda,

The following State Railway collieries are under the control of the Agent, East Indian Railway, but the Chief Mining Engineer has control of output and distribution and also advises the Agent, East Indian Railway, on technical matters:

Giridih.

Joint Bokaro (East Indian and Bengal Nagpur Railways).

Joint Sawang (East Indian and Bengal Nagpur Railways).

Kedla.

The following Company-managed Railway collieries are under the control of the Chief Mining Engineer:

Joint Jarangdih (Bombay, Baroda and Central India and Madras and Southern Mahratta Railways),

Talcher (Madras and Southern Mahratta Railway).

Kurasia (Bombay, Baroda and Central India Railway).

The remainder are managed by railways themselves.

(d) No.

(e) Information is being collected about the names of contractors actually holding raising contracts at present and the rates paid to them. It will be laid on the table when ready. Government regret their inability to collect similar detailed information for the past.

#### REPORT OF THE SELECT COMMITTEE ON THE HAJ BILL.

941. **\*Mr. Gaya Prasad Singh:** (a) Is it fact that a report has been submitted to Government by certain members of the Select Committee on the Haj Bill? If so, are Government in a position to place a copy on the table? If not, why not?

(b) Will Government kindly state the names of the Honourable Members who submitted the report?

**Mr. G. S. Bajpai:** As my Honourable friend is aware, reports of Select Committees are submitted to this House. They are not submitted to Government. Government have not received any report from any member of the Select Committee on the Haj Bill.

**Mr. Gaya Prasad Singh:** May I know if any such report was sent by any member or members of the Haj Committee to Government?

**Mr. G. S. Bajpai:** That is a question which can be answered by members of the Haj Committee. I cannot answer that.

**Mr. Gaya Prasad Singh:** My question was, have Government received any confidential report from any member or members of the Haj Committee?

**Mr. G. S. Bajpai:** Government have not received any report from any member or members of the Select Committee on the Haj Bill.

**Mr. Gaya Prasad Singh:** My question was,—and I will repeat it again,—have Government received any report from any member or members of the Haj Committee?

**Mr. G. S. Bajpai:** Quite obviously, the members of the Haj Committee did submit a report.

## SHORT NOTICE QUESTION AND ANSWER.

### INTERVIEWS TO MR. GANDHI IN JAIL.

**Mr. B. Das:** Will Government be pleased to state what principles they are following in granting and refusing interviews to Mr. Gandhi, and whether they propose to relax the restrictions generally?  
12 Noon.

**The Honourable Mr. H. G. Haig:** The normal restrictions on Mr. Gandhi as a State Prisoner were relaxed as stated in this House on September 19th, in order that he should be accorded full facilities for discussing the problem of the Depressed Classes and endeavouring to effect an agreement with them. When this object had been attained by the agreement that was entered into by the leaders of the caste Hindus and the Depressed Classes, and when the provisions in it relating to the communal award had been accepted by His Majesty's Government, the purpose for which the facilities were granted had been served, and the exceptional treatment given for an exceptional purpose was discontinued. Government, however, continued to give certain facilities for the discussion by Mr. Gandhi of problems connected with the removal of untouchability. Recently Mr. Gandhi represented that if he was to carry out the programme which he has set before himself in regard to the removal of untouchability, it is necessary that he should have greater freedom in regard to visitors and correspondence on matters strictly limited to this question. The Government do not wish to interpose obstacles to Mr. Gandhi's efforts in connection with the problem of untouchability, which, as Mr. Gandhi has pointed out, is a moral and religious reform, having nothing to do with civil disobedience. Government have, therefore, removed all restrictions on visitors, correspondence and publicity in regard to matters which are strictly limited to the removal of untouchability. Restrictions, however, in regard to interviews of a specifically political character stand on a totally different footing. The position in regard to these remains unchanged, as is clear from the recent reply given by the Private Secretary to His Excellency the Viceroy to Maulana Shaukat Ali.

**Mr. B. Das:** Is it not a fact that Maulana Shaukat Ali's request for an interview with Mahatma Gandhi was not connected with the civil disobedience movement, but to bring unity into the country?

**The Honourable Mr. H. G. Haig:** It was not connected with a matter like the removal of untouchability which stands entirely by itself as a social and moral issue. The Government cannot permit Mr. Gandhi to take part in the discussion of ordinary political questions.

**Mr. S. G. Jog:** The settlement of differences between the Hindus and Muhammadans—is it a part of the civil disobedience movement, so that facilities for interview should not be allowed to Mahatma Gandhi?

**The Honourable Mr. H. G. Haig:** No. I have just explained in answer to a previous question that so long as Mr. Gandhi remains a State Prisoner, he cannot expect and I cannot imagine that he would request that he should be allowed to take part in the discussion of ordinary political questions.

**Mr. Lalchand Navarai:** Will the Honourable Member be pleased to state if there is a real and sincere desire on the part of the Government that the differences between the Hindus and Muhammadans should be settled? If that is so, is it not a fact that it is quite necessary that as Mahatma Gandhi is carrying on and has been allowed to carry further the settlement of the question about the Depressed Classes, he should also be allowed to go into this question of Hindus and Muslims?

**The Honourable Mr. H. G. Haig:** So far as that matter is concerned, if Mr. Gandhi feels that he is in a position to settle this very difficult question, he has only to dissociate himself from civil disobedience activities and there will be no further restrictions.

**Mr. S. G. Jog:** Is it not a fact that Maulana Shaukat Ali brought to the notice of His Excellency the Viceroy that the release of Mahatma Gandhi will considerably facilitate the settling of the differences between the Hindus and Muslims?

**Sir Abdulla-al-Māmūn Suhrawardy:** What right had he to say that?

**The Honourable Mr. H. G. Haig:** That is perfectly true: it was no doubt the view of Maulana Shaukat Ali; but I would like to remind the Honourable Member that Mr. Gandhi was unable to effect any agreement between the Hindus and Muslims at the Round Table Conference.

**Mr. S. G. Jog:** Has not a long time passed between the Round Table Conference and today?

**The Honourable Mr. H. G. Haig:** Yes; but I am not sure that the elements of the problem have changed.

**Mr. C. S. Ranga Iyer:** Is it not a fact that Mahatma Gandhi was not able to effect an agreement at the Round Table Conference between the Depressed Classes and the caste Hindus?

**The Honourable Mr. H. G. Haig:** It is perfectly true that Mr. Gandhi did not at the Round Table Conference adopt the policy of a fast.

**Mr. C. S. Ranga Iyer:** Having given Mahatma Gandhi the opportunity of carrying on propaganda for the removal of untouchability and incidentally a diversion of attention of the country from the civil disobedience movement, will the Government not be pleased to give Mahatma Gandhi the opportunity of carrying on propaganda from within the prison to bring about communal amity and peace?

**The Honourable Mr. H. G. Haig:** No, Sir. As I have already explained, the question of the removal of untouchability stands entirely by itself.

**Mr. C. S. Ranga Iyer:** Is not the question of communal unification as good as caste unification.

**An Honourable Member:** It is not to the interest of Government.

**The Honourable Mr. H. G. Haig:** It is an important political question but the other is a social and moral issue.

**Mr. O. S. Ranga Iyer:** Is not the unification of the Hindu and the Muslim an important moral issue?

**The Honourable Mr. H. G. Haig:** No; I should say that it is essentially a political issue.

**Mr. O. S. Ranga Iyer:** Does the Honourable Member say that it is not a moral issue, that it is not in the higher moral interests of the country to unify these two conflicting communities?

**The Honourable Mr. H. G. Haig:** That may be so; but I maintain that it is primarily and essentially a political issue.

**Mr. Gaya Prasad Singh:** Does the Honourable Member subscribe to the doctrine of divide and rule?

**The Honourable Mr. H. G. Haig:** No. Every opportunity is given to anybody who wishes to bring about an agreement between the communities; and as I have already explained, Mr. Gandhi is in a position, should he so desire, to bring his influence to bear if he is prepared to dissociate himself from civil disobedience.

**Mr. Gaya Prasad Singh:** May I know in what sense a settlement between Hindus and Muslims is a political question, is it because it will bring about the downfall of the present system of Government?

**The Honourable Mr. H. G. Haig:** I should have thought that it was one of the major political questions affecting the new constitution.

**Mr. M. Maswood Ahmad:** Is it a fact that opportunity was given to Mr. Gandhi in the case of the Depressed Classes to settle their differences with the caste Hindus, but the same facilities were not given to Mr. Gandhi at the time of the Hindu-Muslim Unity talk and Maulana Shaukat Ali's request was rejected which would have been helpful in coming to an agreement with the Hindus?

**Sir Abdulla-al-Māmūn Suhrawardy:** Maulana Shaukat Ali did not threaten a fast. A fast would have done him good.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to give a direct reply to my question whether Government have really a sincere desire that there should be an agreement between the Hindus and Muhammadans? I would like to have a direct reply.

**The Honourable Mr. H. G. Haig:** His Majesty's Government, owing to the unfortunate failure of the different communities to come to an agreement among themselves, were forced to give an award. They have always made it abundantly clear that they would be very glad to substitute for that award any agreement which is accepted by all the parties concerned.

**Mr. M. Maswood Ahmad:** Is it a fact that even an interview was refused to Maulana Shaukat Ali with Mahatma Gandhi?

**The Honourable Mr. H. G. Haig:** Yes, certainly, because interviews on political questions are not permitted.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state, therefore, if the Government are prepared to give all facilities for the purpose of an agreement between the Hindus and Muslims? If that is so, why is it that Government do not allow Mahatma Gandhi and Maulana Shaukat Ali to bring about that compromise and get the award amended?

**The Honourable Mr. H. G. Haig:** Mr. Gandhi cannot expect, so long as he remains a State prisoner, to receive exactly the same treatment as he would if he were a free man.

**Mr. Lalchand Navalrai:** My point is whether Government are sincere that the Hindus and Muhammadans should come to an agreement or not?

**The Honourable Mr. H. G. Haig:** I have already answered that question fully.

**Pandit Satyendra Nath Sen:** By the removal of restrictions placed on Mahatma Gandhi, are we to understand that the Government indirectly identify themselves with the anti-untouchability campaign?

**The Honourable Mr. H. G. Haig:** The Government, as I think Mr. Gandhi himself stated in the communication that was published yesterday, stand on one side in this matter.

**Pandit Satyendra Nath Sen:** Are Government aware that the anti-untouchability movement is inwardly directed against the basic principles of Hinduism?

**The Honourable Mr. H. G. Haig:** It is a matter in which the Government are not prepared to take an active part.

**Mr. M. Maswood Ahmad:** Is it not a fact that separate electorates for Depressed Classes was also a political question?

**The Honourable Mr. H. G. Haig:** That was a question which had an element of politics also in it.

**Pandit Satyendra Nath Sen:** In view of the expression of opinion made by the Honourable the Home Member, will the Government convene a meeting of orthodox Hindus from different provinces and elicit their opinion on this matter?

**The Honourable Mr. H. G. Haig:** I should prefer to leave that task to the Honourable Member himself.

#### DEATH OF SIR ALI IMAM.

**The Honourable Sir Brojendra Mitter (Leader of the House):** Before we proceed, Sir, to the business of the day, I should like to refer to a recent melancholy event for which India is today the poorer. Sir Ali Imam, to whose death, I allude, was never a Member of this Assembly, but the distinction and diversity of his record of public service fitly deserve an expression from this House of its sense of a truly national loss. This is not the place, Sir, to discuss Sir Ali Imam's eminence as an Advocate, great as it was. Here it would be more appropriate if I confine myself to the part which he played for five years as Law Member of the Executive Council of His Excellency the Governor General and to

his subsequent career as an administrator and statesman. It is no secret that as a colleague of Lord Hardinge, Sir Ali Imam had much to do with the three capital decisions of that administration, namely, the reversal of the partition of Bengal, the creation of the new province of Bihar and Orissa and the selection for the Government of India of a new Capital, namely, the historic city of Delhi. After relinquishing the office of Law Member of the Government of India, he returned to the Bar, but his legal career had frequently to be interrupted for other duties, such as Membership of the Executive Council of his own Province, Judgeship of the Patna High Court and Vice-Presidentship of the Executive Council of His Exalted Highness the Nizam of Hyderabad. The variety and the number of the high positions to which he was called afford objective proof of his versatility and exceptional ability. Those of us who had the privilege of knowing him and working with him can testify to the sincerity, charm, dignity and the uprightness which made him universally popular and universally respected. Failing health had for some years past made it difficult for him to devote to our public life the steadying influence of his ripe experience and harmonising power, of his broadminded and catholic personality. When he was invited last year to participate in the second Round Table Conference, he proceeded to London in spite of the feeble state of his health, because he put the programme of a patriotic duty above personal comfort. A few weeks before his death, he had, at the earnest request of political associates and friends, set his hand to the task of organizing in Bihar and Orissa a party which would work the new constitution in a constructive and progressive spirit. The tragedy of his death at this juncture will be poignantly felt by all those who appreciate the need today in our public life of a sane and constructive liberalism. On behalf of Government and myself, I would request you to convey to the bereaved family our profound sorrow at his death.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, I did not think that it would fall to my lot to mourn on the floor of this House the untimely demise of my very old and esteemed friend, Ali Imam. Only the other day I was discussing with him questions of public moment, and little did I know that Ali Imam would depart from this life at the critical moment of Indian history where his mature judgment, ripe scholarship and broad sympathies with the people of India would have been an asset which it would be difficult to replace. Sir, we on this side of the House have always loved Ali Imam as an Indian first and Indian last. Both in his words and deeds, he was an Indian to the very core, and his effort throughout his life had been to live the life of an Indian. Those who know the efforts he made during the last few years to unify the Hindus and the Muslims would feel a poignant sorrow that at this moment when the unification of the two great races of India seems to be in sight, his ripe judgment and influence should not be available to the peace makers who are sitting elsewhere discussing the *pros* and *cons* of a unified India. Ali Imam was lovable friend. As an official, he performed many and varied duties, and the Honourable the Leader of the House has recounted some of them, and though he remained an official, he was approachable to all, and his advice was available to high and low alike, and that is what made Ali Imam the popular favourite ever since the time he occupied the exalted place of Law Member in the Government of India, and whether he was Law Member or the Chief Minister of Hyderabad or a Judge of the High Court or a Member of the Executive Council of his own native province



[Sir Hari Singh Gour.]

or as a member of the Bar, Ali Imam did not lose that suavity of manners, that urbanity, that feeling of friendliness towards the people of India which made him a unique character in the history of this country. Sir, every one in this House mourns the loss of Ali Imam, and we on this side of the House associate ourselves with all that has fallen from the Leader of the House.

**Sir Abdul Rahim** (Calcutta and Suburbs: Muhammadan Urban): Sir, in associating myself with the feeling tributes that have been paid to the memory of the late Sir Ali Imam, I have to mourn the death of a very old and dear friend of mine.

Sir Ali Imam was undoubtedly a great Indian, a great patriot; at the same time he was a very good man. Those who knew him intimately as I did, know very well how generous, charitable and kind-hearted he was. Sir, the news of his sudden death came as a shock, as has been well stated by my Honourable friend, Sir Hari Singh Gour, to all his friends. It is no exaggeration or a mere compliment to the memory of the deceased to say that Sir Ali Imam's services to India were very valuable indeed. He was a staunch nationalist at heart and he never missed any opportunity to render any service he could to the cause of his motherland. I know as a fact that the large circle of friends and relatives that Sir Ali Imam has left behind will long miss him and every one that had the privilege of knowing him will realise what a great loss his death has been to us. I associate myself with the message that is to be conveyed to his bereaved family.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): I also wish to pay my humble quota of tribute to the memory of the late Sir Ali Imam. I came to know Sir Ali Imam about 34 years ago as a student at Aligarh. After the death of the late Sir Syed Ahmad Khan, when his great successor, the late Nawab Mohsin-ul-Mulk, started the work of re-organising the Muslim community, the late Sir Ali Imam was one of those whom he selected as one of his co-operators and friends. In those days there was hardly any function at Aligarh when Sir Ali Imam did not pay a visit to that great institution, and his visit to Aligarh was always a source of great enthusiasm to the students with whom he was on very friendly and familiar terms. But more intimately I came to know him since 1906, when the Mussalmans first started their political movement in this country as a result of which the All-India Muslim League was founded, and Sir Ali Imam was one of the foundation members of the League. Since then, for a very long time we worked together on the same political platform, and I will always consider it a great honour to me that it was the late Sir Ali Imam who proposed me as the President of the All-India Muslim League sessions at Calcutta in 1927. It is no exaggeration to say that few Indians could compete with Sir Ali Imam in his love of our motherland, in his sound political judgment and his breadth of vision. The address which he delivered as the President of the All-India Muslim League at Amritsar in 1908 was a brilliant specimen of his political sagacity and acumen. He was the first Muslim Member of the Viceroy's Executive Council, and as such the part which he played in formulating the policy of the Government of India will be remembered for a long time, especially the part which he played in bringing about an amicable settlement about the unfortunate

incident of the Cawnpore Mosque. In his culture and polish of manners, Sir Ali Imam had no equals. He combined in himself the best of the eastern and western culture and virtues, and those who knew him intimately loved and worshipped him for that. It is really very unfortunate that, at this juncture in the history of our country, we have lost a man who commanded equal confidence both with the Hindus and the Mussalmans, and whose mature judgment was a source of strength to us. My heart goes forth in sympathy with his talented wife, Lady Ali Imam, his aged father, Nawab Imdad Imam, his equally distinguished and brilliant brother, Mr. Hasan Imam, and other members of the bereaved family. With these words I associate myself with the motion which has been so ably moved by, the late Sir Ali Imam's successor in office, the Honourable the Law Member.

**Mr. Muhammad, Yamin Khan** (Agra Division: Muhammadan Rural): The late Sir Ali Imam's death is a national calamity and I associate myself with all that has been said by the Honourable the Law Member and the other Members of this House.

**Mr. Arthur Moore** (Bengal: European): The Members of the European Group would also like to be associated with the tribute to the memory of the late Sir Ali Imam which is embodied in the Honourable the Law Member's motion. He has reminded us of the great part that Sir Ali Imam played in the decisive events in India's history in Lord Hardinge's time. He shared, we remember, with our great Bengali statesman, Lord Sinha, the honour of being the first Indian Members of the Viceroy's Executive Council, and we remember that both those famous men have left their mark on Indian history. He was, of course, of his own community a very great ornament, but I think those of us who have followed his utterances in recent years will realise that he had also a tremendous sense of national unity, and we feel that in him India has lost one who could have been a wise counsellor in the days that are before us of constructive work under the new constitution.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Sir, I join with the Honourable the Leader of the House and the Leaders of Parties in the expression of their grief at the sad demise of the late Sir Ali Imam. Sir Ali Imam was a member of the Calcutta Bar when he was appointed a Member of the Executive Council after Lord Sinha. Sir, Sir Ali Imam, when practising with us in the Calcutta High Court, used to take his seat at the same table in that part of the Bar Library where I generally sit. I was not only a practitioner with him side by side but a great friend. Next to him, his younger brother, Mr. Hasan Imam, was also a member of the Calcutta Bar before he was elevated to the Bench. There was, next to them, Sir Richard Garth and there was next to him a member of the Nawab family of Murshidabad. There was Mr. Jacob and there was also Mr. Falkner who is now the Official Assignee. He was a popular figure, charming in his manners and amiable in his dealings with the members of the Bar. He was appearing on behalf of the Government in the historic Midnapore Damage suit in the year 1911 before he became a Law Member. His activity at the Bar was seen and appreciated by the people of Calcutta and the members of the Bar. He was a very courteous gentleman, coming from a family in a village known as Neora, not far from Dinapore, in the district of Patna. His family was full of lawyers. Take for instance his uncle, the late Mr. Justice Sarafuddin,

[Mr. K. Ahmed.]

who was also in the Bench of the Calcutta High Court. He was in the enviable position of having the confidence of his community. He was only 63 years old at the time of his death. He leaves behind him five sons, his wife and his brother, Mr. Hasan Imam, who is now a leader of the Patna Bar after he retired from the Calcutta High Court bench. Sir Ali Imam and his brother were very prominent. When any difficult questions came up for solution he used to take a leading part. Sir Ali Imam was a great hero during the difficult times in the days of Lord Hardinge and when with regard to the demolition of the Machli Bazaar mosque at Cawnpore the military were called and were dispersing the mob and were patrolling the streets all round, it was an anxious time of trial. The people found it very difficult to settle the dispute and the Government, just after the transfer of the seat of Capital from Calcutta to this deserted place, were in a fix. When the feelings of the people were aroused with regard to the destruction of portions of the mosque, Sir Ali Imam went to the Machli Bazaar mosque and appeased the people in the twinkling of an eye. His personality brought peace and he poured oil on troubled waters. In the year 1906, when in Dacca the Muslim League meeting was going on about the time of the partition agitation in Bengal, Sir Ali Imam brought the Hindus and Muhammadans together and he made a memorable speech on that occasion. Then, again . . . .

(Mr. K. Ahmed sat down without finishing his speech.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair wishes to associate itself with everything that has fallen from Honourable Members. The greatest tribute that can be paid to Sir Ali Imam is that on this mournful occasion the country has unanimously recognised how great his loss in the interests of India. It is such patriotic workers who are needed in the situation which exists in the country at present and it is lamentable that his career should have been brought to a close at a juncture like this. The Chair will communicate to the relatives of the deceased the feeling of sympathy and condolence of this House.

#### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I have the honour to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Simla Session, 1932, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:

1. The Indian Emigration (Amendment) Act, 1932;
2. The Cantonments (Amendment) Act, 1932;
3. The Ancient Monuments Preservation (Amendment) Act, 1932;
4. The Trade Disputes (Amendment) Act, 1932;
5. The Port Haj Committees Act, 1932;
6. The Code of Criminal Procedure (Amendment) Act, 1932; and
7. The Tea Districts Emigrant Labour Act, 1932.

## STATEMENTS LAID ON THE TABLE.

**The Honourable Mr. H. G. Haig** (Home Member): I lay on the table:

- (i) the information promised in reply to part (a) of starred question No. 167 asked by Sardar Sant Singh on the 12th September, 1932;
  - (ii) the information promised in reply to parts (b) and (c) of starred question No. 364 asked by Mr. M. Maswood Ahmad on the 16th September, 1932;
  - (iii) the information promised in reply to part (a) of unstarred question No. 156 asked by Mr. M. Maswood Ahmad on the 30th September, 1932;
  - (iv) the information promised in reply to starred question No. 157, asked by Sardar Sant Singh on the 8th September, 1932; and
  - (v) the information promised in reply to unstarred question No. 158, asked by Mr. M. Maswood Ahmad on the 30th September, 1932.
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### ARRESTS OF SIKHS IN THE BOMBAY PRESIDENCY FOR WEARING *KIRPANS*.

\*167. (a) In 1931 two Sikhs were arrested for carrying *kirpans* with blades exceeding the authorised length: in 1932, 26 Sikhs have been arrested, the majority for disregarding police orders issued during the last Bombay riots. The only Sikh undergoing imprisonment was found guilty under section 337, Indian Penal Code, of causing hurt with his *kirpan*.

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### MOPLAHS CONVICTED DURING THE MALABAR REBELLION IN 1921.

\*364. (b) and (c). The exact number is 369, of whom 221 are in Madras and 148 in the Andamans. There are also 221 whose releases have been sanctioned and who will be released as soon as they can be brought back from the Andamans.

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### CLAIMS OF A MUSLIM CLERK FOR THE POST OF CASHIER IN THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

156. (a) The reply to the first part of the question is in the affirmative. As regards the second part, the facts are that when the cashier of the office of the Director General, Indian Medical Service, went on two months' leave the vacancy was filled by a clerk who had officiated as cashier on a previous occasion for a period of 4 months. This clerk has been assisting the Cash Branch for many years past. The Muslim clerk referred to by the Honourable Member had no experience of the work of a cashier and, as the vacancy was for only two months, the clerk who had experience of the work was appointed officiating cashier, on the understanding that the officiating appointment gave him no claim to permanent appointment in future. The Muslim clerk was not asked to furnish security or to forego his claims for promotion to the Assistant's grade, nor did he offer to do so.

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### REVOLUTIONARY CRIMES IN 1932.

\*157. Sir, I lay on the table a statement which contains the information which was promised in reply to Sardar Sant Singh's starred question No. 157 regarding anarchist crimes committed or attempted during 1932. The information relates to the period 1st January to 30th July, 1932.

*Statement of anarchist crimes, etc., during the period 1st January, 1932, to 31st July, 1932.*

Province.	No. of anarchist crimes.	Total No. of arrests.	Total No. of persons tried.	Total No. detained without trial.	Total number convicted by court.	Total No. acquitted by Appel- late Court.	Total number trans- ported for life.	Total number actually execut- ed.	Remarks.
Assam	..	..	..	..	..	..	..	..	
Coorg	..	..	..	..	..	..	..	..	
C. P.	..	14	..	..	..	..	..	..	All pending trial on 31st July, 1932.
Madras	9	5	..	..	..	..	..	..	
Burma	..	2	..	2	..	..	..	..	
N.-W. F.	3	3	2	..	2	..	1	1*	Pending execution (1 case pending trial).
Delhi	4	12	7	4	..	..	..	..	
U. P.	38	57†	28	..	18‡	..	..	..	†14 pending enquiry. ‡ 9 pending in court.
Bombay	4	13	12	..	9	..	..	..	
Bengal	114	681	117	511	79	..	2	..	
Punjab	6	49	38	5	3	..	..	..	
Ajmer-Merwara	1	(a) 3	2	..	2	..	..	..	(a) One case pending in- vestigation.
B. & O.¶	5	23	21	..	16	1	2¶	1	¶On appeal one case com- mitted to transportation for life.
Total	184	862	227	522	129	1	5	7	2

N.B.—¶ The entries in columns 3 to 10 in the case of B. & O. include certain cases of 1931 not completed till 1932.

### EXTENSIONS GRANTED TO OFFICERS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

158. I presume the Honourable Member refers to Gazetted Officers serving in the Departments of the Government of India. There are only two such officers, who have attained the age of 55 years and have been granted extensions of service. In this connection I would invite the Honourable Member's attention to clause (a) of Fundamental Rule 56 which indicates that extensions of service cannot be granted except on public grounds. In the case of Superintendents in the Government of India Secretariat, who are ministerial officers, clause (b) of Fundamental Rule 56 contemplates that they should normally be retained in service till they attain the age of 60 years.

Eight officers have completed 30 years service. As none of them has attained the age of 55 years, the question of granting them extensions of service does not arise.

**The Honourable Sir Joseph Bhoré** (Member for Commerce and Railways): Sir, I lay on the table the information promised in reply to starred question No. 1058, asked by Mr. B. Das in the Legislative Assembly on the 29th March, 1932, and the information promised in reply to part (b) of starred question No. 1059 asked by him in the Legislative Assembly on the 29th March, 1932.

### NON-ADMISSION OF INDIANS TO THE PRINCE OF WALES SEAMEN'S INSTITUTE, BOMBAY.

\*1058. (a) and (b). The building was raised from public subscriptions. Government have no information as to the exact amounts subscribed but it is understood that while certain sums were received from private sources the majority of the subscriptions came from the Western India Turf Club, European firms and Europeans.

(c) Government have no information on the point.

(d) and (e). The Prince of Wales Seamen's Institute has ceased to exist as a separate institution. It has been amalgamated with the Bombay Sailors' Home Society, the two institutions being now known as the Royal Bombay Seamen's Society. The Society now admits Indian officers and cadets of European habits of life to the Institute.

### NON-ADMISSION OF INDIANS TO THE PRINCE OF WALES SEAMEN'S INSTITUTE, BOMBAY.

\*1059. (b) Attention is invited to the final reply to parts (d) and (e) of the Honourable Member's starred question No. 1058.

**Mr. T. Ryan** (Director-General of Posts and Telegraphs): Sir, I lay on the table the information promised in reply to starred questions Nos. 666—669 inclusive asked by Shaikh Fazal Haq Piracha in the Legislative Assembly on the 23rd September, 1932.

### STRENGTH OF IRRIGATION EMPLOYEES IN BALUCHISTAN AND THE COMMUNITIES TO WHICH THEY BELONG.

\*666. (a) The numbers are :—Hindus, 37; Muhammadans, 40; Others, 13.

(b) The numbers recruited in the last two years are :—Hindus, 6; Muhammadans, 10; Others, 4.

(c) The vacancies were not advertised as there was a large number of qualified candidates on the waiting list.

### CONTRACTS FOR WORKS WITHOUT TENDERS IN BALUCHISTAN.

\* 667. (a) No.

(b) No. Local contractors are given preference provided that they are qualified and that their tenders are sufficiently low.

### DEPRIVATION OF TWO PUNJABI SUB-DIVISIONAL OFFICERS OF THEIR SUB-DIVISIONS IN BALUCHISTAN.

\* 668. No. There are only two sub-divisional charges in the Baluchistan Irrigation Department. Both are held by Punjabis.

### APPOINTMENT OF RETRENCHED MUSLIMS IN THE IRRIGATION DEPARTMENT, BALUCHISTAN.

\* 669. (a) A list of candidates for ministerial appointments is maintained by the Revenue Commissioner in Baluchistan, but appointments in the Irrigation Department are not controlled by the Revenue Commissioner and are not filled by candidates from his list.

(b) No.

(c) In the Irrigation Department retrenched and discharged Muhammadans who apply for vacant posts and who are qualified are considered along with other applicants.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table the information promised in reply to unstarred question No. 58, asked by Mr. R. T. H. Mackenzie in the Legislative Assembly on the 27th September, 1932, regarding expenditure on Madura-Dhanushkodi Section of the South Indian Railway; and also information in reply to part (b) of unstarred question No. 135 asked by Sir Zulfiqar Ali Khan in the Legislative Assembly on the 27th September, 1932.

### COST OF CONSTRUCTION, ETC., OF THE RAILWAY LINE BETWEEN MADURA AND DHANUSHKODI.

58. (a) Capital cost of construction of the line between Madura and Dhanushkodi including all bridges, etc., and the pier, exclusive of ferry steamers . . . . . Rs. 1,09,23,406
- (b)
- |   |  |
|---|--|
| (i) Capital cost of original ferry steamers . . . . .   | Rs. 20,97,173  |
| (ii) Number . . . . .                                   | 3  |
| (iii) When purchased ? . . . . .                        | 1913   |
| (iv) When discarded ? . . . . .                         | 1929   |
| (v) Amounts, if any, realised by sale thereof . . . . . | The sale has not been completed.   |
| (vi) Capital cost of new ferry boats . . . . .          | The total cost is Rs. 17,67,677, of which the capital portion is Rs. 3,84,459 and the balance is debitable to revenue. |
| (vii) Number ? . . . . .                                | 2  |

(c) Amount spent in maintenance and upkeep of the line between Madura and Dhanushkodi for the last 6 financial years including all amounts expended to prevent, or as a result of, drifting sand, and also including all expenditure as a result of flood damage Rs. 7,06,132

(d) The traffic carried and the amount earned by :

(i) the section of line between Madura and Dhanushkodi, and

(ii) the section between Madura and Tuticorin during the past 6 years.

} These figures are not now being recorded separately and are not therefore available.

#### NATURE OF WORKS DONE BY THE CENTRAL STANDARDS OFFICE.

135. (b) The amount realised on account of the sale of Indian Railway Standard Specifications during the period from 16th July 1931 to 24th September 1932 is Rs. 3,729.

### THE CRIMINAL LAW AMENDMENT BILL.

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I beg to present the Report of the Select Committee on the Bill to supplement the Criminal Law.

#### RESOLUTION *RE* TRADE AGREEMENT SIGNED AT OTTAWA.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. Before the Chair calls upon the Honourable Sir Joseph Bhore to move the Resolution of which he has given notice, it wishes to inform Honourable Members that in view of the fact that the subject which is now coming up for discussion is of such vital importance to the country, that the Chair has decided not to rigidly enforce the provisions of the Standing Order which limits the Mover to 30 minutes and all other Honourable Members to 15 minutes. (Applause.) The Chair proposes to allow reasonable latitude to Honourable Members, but in doing so wishes that in taking more time Honourable Members will not repeat themselves. (Hear, hear.) The time of the House is very valuable and the Chair trusts that the privilege which it has decided to extend to Honourable Members in giving them full opportunity to express their views will be used with discretion to ensure a fair debate on this important subject. (Loud Applause.)

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): (Loud Applause.) Sir, I beg to move the following Resolution:

"This Assembly, accepting the Trade Agreement made by the Government of India with His Majesty's Government in the United Kingdom, which was signed at Ottawa on the 20th August, 1932, and the supplementary Agreement regarding iron and steel contained in the correspondence between Sir George Rainy and Sir Horace Wilson, dated the 22nd September, 1932, recommends to the Governor General in Council that he do introduce in the Indian Legislature at the earliest possible moment such legislative measures as may be necessary to give effect to the Agreements in question."

In this Resolution, Sir, I am submitting to the arbitrament of this House the results of the recent Imperial Economic Conference held at Ottawa so far as they concern this country. I ask from it a consideration of those



[Sir Joseph Bhowe.]

results, free of all passion and prejudice, and a final judgment unbiased by extraneous considerations. I make this appeal, Mr. President, because so long ago as last April a campaign of relentless opposition to any agreement, based entirely on political grounds, was initiated and has continued ever since, making calm and impartial consideration of the questions involved well-nigh impossible. The charge, that we and the members of our Delegation were coerced into this Agreement, is, I need hardly say, absolutely and wholly untrue. I can assure the House that in this matter we were complete masters of our fate. I can also assure the House that in all conversations and negotiations, with which the Government of India were concerned, they were dominated by one idea and one idea alone, namely, to place India and India's interests before everything else (Loud Applause); and, if that was true of us, it was equally true of our Delegation, whose loyalty to Indian interests was only equalled by the care and sagacity with which they strove, and, I submit, strove successfully, to guard those interests against possible invasion. (Loud Applause.) In the admirable report of the Delegation the House will find a presentation of the case for the Agreement, set out with an impartiality, a clarity of statement and a cogency of argument which, I hope, will not fail to carry conviction. I must of necessity re-traverse some at least of the ground covered by that report in my endeavour to satisfy the House that the Ottawa Agreement represents an arrangement which, as far as we can see at present, is advantageous to both sides and that its non-acceptance would be against the interests of this country. I do not profess, Sir, to speak with the authority or the knowledge of the tariff expert; the view I am putting before this House is rather that of the inexperienced layman who has devoted some little time and care to the study of this subject and who honestly feels that he can wholeheartedly commend this Agreement for the acceptance of this House.

In order to focus my argument and not to weary the House with unnecessary detail at this stage, I have endeavoured to formulate three general questions which seem to me to cover the whole field and to which it will be my endeavour to give satisfactory replies. Those three questions are, firstly, why did we go to Ottawa and conclude the Agreement, secondly, what did we give and what did we get at Ottawa, and, thirdly, why we should accept the Agreement. The first of these questions seems to me to be of fundamental importance, and the answer to it will, I hope, furnish the fullest justification for the Trade Agreement which we have concluded with the United Kingdom. To enable me to answer this question, I must refer to the recent changes in British fiscal policy. Until the end of the year 1931, that policy may be said to have been founded on a basis of free trade. Certain duties, it is true, were being levied, but they were levied either for purposes of revenue on certain well-selected articles or in order to protect certain key industries or under the Safeguarding Act. The Import Duties Act of 1932 wrought a fundamental change in the fiscal policy of the United Kingdom and it placed the fiscal relations of the United Kingdom and the Empire countries on an entirely altered basis. Under that Act all articles, not dutiable under the existing enactments or included in the free list, became subject to a duty of customs of 10 per cent. *ad valorem*. Empire goods, other than goods from the non-self-governing

Colonies and Protectorates, which were indefinitely exempted, were exempted until the 15th November, 1932, when they would automatically become liable to the operation of the British Act, unless exempted by Order in Council. But the announcement, which was made in Parliament when the Bill was introduced, made it clear that exemption would be continued if the Dominions and India entered into reciprocal trade agreements with the United Kingdom. That, Sir, has now been done and, therefore, the 15th November is no longer a crucial date.

It is not within our province to criticise the new policy deliberately adopted by His Majesty's Government, to question its wisdom or to challenge its expediency. The one fact of importance for us is the new situation created by that change of policy. In plain language, the British Import Duties Act and the announcement made by His Majesty's Government clearly indicated that unless by the 15th November the Dominions and India entered into satisfactory reciprocal agreements with the United Kingdom, they must be prepared to see their goods subjected to the same rates of duty as the goods of foreign countries. Faced with that situation, Sir, we had two courses open to us. We might either have said to His Majesty's Government we are indifferent to the Import Duties Act or, at any rate, that we are quite prepared to see our goods subjected to the same rates of duty as goods from foreign countries and that we refuse to negotiate with you whatever the consequences to us. The alternative was honestly to face the possible consequences of the change in British fiscal policy and endeavour through negotiation to secure a satisfactory mutual arrangement between the United Kingdom and ourselves which might avert those consequences. We had no hesitation in choosing the latter course and I feel certain that the considered judgment of this House will endorse that action not merely as the best course to be adopted, but, as, in the circumstances, the only possible course we could have adopted if we had any regard for the interests of this country. I have seen it suggested in certain quarters that we might well have stood aside and allowed things to take their course. It is not denied that our export trade to the United Kingdom would, in consequence, have suffered diminution, but it is suggested somewhat lightly that that trade could have been diverted into alternative channels. Now, I want to say at once that I do not propose to embark on what I hold to be the impossible task of attempting to arrive at accurate mathematical figures of losses that might have accrued to us had we refused to negotiate with His Majesty's Government. As a matter of fact, the conditions of the problem do not admit of mathematical calculations of that sort being made at the present juncture. But I would like to make it perfectly clear to the House that, faced with that situation, we had absolutely no alternative but to take the course that we did. I have seen it suggested that our possible losses might have been in the neighbourhood of something like eight crores of rupees. That estimate was furnished by, I may justly call them, definitely hostile critics of the Agreement, and it was accompanied, as I said, with the light-hearted suggestion that alternative markets could easily have been found for that trade. Now, Sir, if those good gentlemen would disclose the secret of how to find such markets for trade of this magnitude, they would be laying this country under an eternal debt of gratitude. I only wonder why, if it was such an easy matter to find alternative markets for trade of this description, our trade should have suffered so grievously during

[Sir Joseph Bhore.]

the past years of depression? Perhaps I ought not to take this suggestion seriously, but I did attempt to ascertain what were the grounds and what were the data upon which this estimate of eight crores was based? And I found, as was inevitable, that hypothesis and pure conjecture furnished the materials for this figure. I do not say this by way of criticism, for, as I have already said, the conditions of the problem do not admit of mathematical calculations of even approximate accuracy. I will, therefore, not attempt to suggest figures for I should in that case be equally laying myself open to the charge that I am indulging in conjecture. But what I will try to do is to satisfy the House by examining a few typical commodities to show how real and how substantial was the threat to our export trade offered by the new fiscal policy of England and how, in assessing that threat, hostile critics of the Agreement have failed to take into account vital considerations or have built upon a foundation of figures which have no basis in fact. Let me first, Sir, take the case of those commodities in which our chief competitors are the non-self-governing Colonies and the Protectorates—commodities like coir, coir mats, tobacco, hemp, groundnuts, spices, coffee. The value of our exports of these commodities in the year 1929-30 to the United Kingdom amounted to about five million sterling, while our competitors sent similar goods to the value of nearly twice that amount. In a free market and

1 P.M. under equal conditions, we ought to be able to hold our own, but competition is extremely keen and prices are cut very fine and, I think, it will appeal to businessmen when I point out that where prices are cut fine, even a preference of five per cent. may make all the difference in the trade. In this particular case, Sir, had we refused to enter into an agreement, our competitors would most certainly have got a preference of ten per cent. and, I think, the House will appreciate that a preference of ten per cent. against us in these commodities would have most grievously affected our trade. a trade, I may point out, of very considerable magnitude.

Next let me take the case of that class of commodities in which we have a monopoly position. Critic after critic has lightly assumed that a ten per cent. duty on such articles would have left us in almost exactly the same position as we were before its imposition. They have entirely overlooked the fact that such natural commodities, as for instance, lac and myrabolams, in which we have a virtual or actual monopoly, are open to keen competition from substitutes and that competition might very well have, had an import duty been imposed upon our goods, proved ruinous to our trade in these particular commodities. Take the case of lac. We send normally to the United Kingdom exports to the value of about £1½ millions. Had our exports been liable to a duty, it is almost certain, so keen is the competition of synthetic substitutes, that that trade would have suffered a most serious handicap. I have only to bring to the notice of the House that in 1930, the United Kingdom imported competing materials to the value of nearly £1 million and that synthetic substitutes have, if not actually wiped out, grievously affected our exports to the United States of America. Or, take the case of myrabolams. In this commodity, we have a practical monopoly, so far as the United Kingdom is concerned. But myrabolams are subject to the competition of natural substitutes, coming not only from foreign countries, but also from the Dominions and from the Colonies. If the latter had received

a preference and we had been subjected to a duty, it does not need much imagination to forecast the future of our myrabolam export trade. In the facile exclusion of these monopoly articles in calculating the effect of the British Import Duties Act, I submit, Sir, that hostile critics of the Agreement have been guilty of a most serious error.

Lastly, let me take the case of tea, which is the largest single item of our exports to the United Kingdom amounting, in the year 1929-30, to over £20 millions in value. Now, it is well-known, Sir, that this industry is in a very difficult position and that it is fighting hard to avoid disaster. The challenge from Java has assumed considerable proportions and it is still growing. Java has, during the last ten years, increased her production of tea by over 100 per cent., while the production of Indian tea has only increased by 13 per cent. and the production of tea from Java, Sumatra and Ceylon is now in excess of the production in India. It has been assumed without any foundation and in the face of all the facts that the production and the consumption of tea balance one another. As a matter of fact, the production is far in excess of the demand and this means the keenest possible competition. It was calculated that in 1931, the surplus production of tea was in the neighbourhood of no less than 57 million pounds. Even with the preference, we can barely cope with the competition from Java which has certain natural advantages in her favour, and we can only just compete on equal terms with Ceylon. The loss of that preference which would have followed our refusal to negotiate would have made recovery of the industry almost impossible in the face of unrestricted and unhampered competition from Java in regard to the lower qualities of tea and, on the other hand, a preference of two-pence per pound in favour of Ceylon in regard to the better qualities of tea. But I have heard it argued that since most of the capital invested in this industry is British, Great Britain would never, when it came to the pinch, have imposed any handicap upon it.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Quite so.

**The Honourable Sir Joseph Bore:** Well, Sir, what that amounts to is this. It amounts to saying that Great Britain has been bluffing you and that you have not had the perspicacity to call her bluff. If there is any validity in that argument, then it must equally apply to the Dominions which are inhabited very largely by people of British descent and which have been developed very largely by British capital. If it is suggested that His Majesty's Government would not have imposed any disability upon British planters in India, then equally they would not have imposed any disability upon British settlers in the Dominions. What it really, therefore, comes to is this, that the entire new fiscal policy of His Majesty's Government was one great game of bluff and the Dominions and India have fallen victims to that bluff. I have only to state the proposition in that form to expose its absurdity. It passes one's comprehension to understand how scientific economists and practical businessmen could base their case in regard to tea upon the assumption that whatever His Majesty's Government may have indicated, in their heart of hearts, they really do not mean to deprive the tea industry of this country of this preference, despite the fact which we know that that preference was actually removed for a number of years. But, Sir, whatever His Majesty's Government may or may not have done, whatever they may have intended to do or not to do, the Government of India could not possibly have taken a risk, which, had it materialised, would have set this industry on the road to irretrievable

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Be it remembered, Sir, that the amount of Indian capital involved is by no means insignificant. I understand that the capital of purely Indian-owned estates is in the neighbourhood of  $8\frac{1}{2}$  crores of rupees and the capital of rupee tea companies is in the neighbourhood of 14 crores. Be it remembered, further, that in the event of trouble, the Indian planter, with his more slender reserves and his more restricted resources, would have been the first to go under. Remember, further, Sir, that close upon one million Indian labourers find employment in the tea gardens of India. It has been calculated that if a thousand acres of tea were closed down, the country would be losing something like 2 lakhs of rupees annually in wages, in salaries, in payments for transport and for local services and in the purchase of materials. I have with me here the statistics of four of the largest sterling tea companies and they show that no less than 72 per cent. of the gross earnings of these companies are spent in India. I hope, Sir, the House will realise from these figures that a question of great magnitude is involved. I hope it will appreciate the fact that the closing down of any large proportion of the three-fourth million acres of tea in India would have meant something little short of disaster for this country.

Now, Sir, I am afraid that the time at my disposal does not permit me to examine each single separate commodity, but I have said enough to satisfy the House that I am not drawing upon my imagination when I say that grave consequences would have resulted had we ignored the change in British fiscal policy and had we refused to enter into a trade agreement with the United Kingdom. Had we done so, I believe that those very people who now blame us for doing, what in their opinion should have been left undone, would have been the first to accuse us, and accuse us rightly, for neglecting the interests of this country. Whether the actual loss of trade was likely to amount to eight crores or ten crores, as hostile critics of the Agreement suggest, or, as I believe, to something infinitely more, we could not possibly have ignored it. Nor could we have refused, as those critics wish us to have done, to raise one little finger to save the agricultural and industrial classes from the consequences involved. I would only like to bring one further fact to the notice of this House and it is this that by the end of last month the British Import Duties Act and the prospective preferences had induced no less than 16 European countries including France, Germany, Holland, Belgium and the Argentine to do what? Not to retaliate, but to ask His Majesty's Government to enter into reciprocal trade agreements with them, a fact which, in my opinion, is clear evidence that the consequences of the British Import Duties Act and the fiscal policy of His Majesty's Government could not lightly have been ignored.

Now, Sir, I have endeavoured to answer the first question which I have set myself. I now turn to the second, what did we give and what did we get at Ottawa? I am afraid, Sir, I have taken a great deal of time, but, with your courtesy, I trust I may be allowed to proceed further.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member may go on. The Chair has already announced that the time limit will not be rigidly enforced.

**The Honourable Sir Joseph Bhore**: I will endeavour, Sir, in as brief a compass as I possibly can, to show what it is that we have given to the United Kingdom. Firstly, we propose to give ten per cent. preferences

in respect of the articles included in Schedule F to the Agreement except in respect of motor vehicles and parts of mechanically propelled vehicles and accessories other than aircraft in respect of which the preferences will be only 7½ per cent. But, Sir, the grant of preferences under this Schedule is subject to certain important limitations which I must lay special emphasis upon, which I shall return to later and which I shall ask the House to note most carefully. Secondly, Sir, we propose to give preferences in accordance with Article 11 of the Agreement. It is important that I should read the terms of that Article. The Article runs as follows:

"The Government of India will consider in the light of the findings of the Tariff Board the protective duties to be imposed on goods of cotton and artificial silk according as they are made in the United Kingdom or elsewhere, and will invite the Legislature to pass legislation by which, where protective duties are not imposed as a result of the recommendations of the Tariff Board upon United Kingdom goods of the kind specified in Schedule G, the margins of preference shown in that schedule will be extended to such goods."

That means, Sir, that we can take no action in regard to the preferences under this Article until we have received the report of the Tariff Board. Lastly, we propose to maintain the existing differential duties in regard to iron and steel except in regard to galvanised sheets on which the rates of duty proposed are, firstly, Rs. 30 on galvanised sheets rolled in the United Kingdom from Indian sheet bar; secondly, a duty of Rs. 53 on sheet rolled in the United Kingdom from other bar; and, thirdly, Rs. 83 on sheet not rolled in the United Kingdom. This arrangement, I may say, is in pursuance of an agreement arrived at between the iron and steel industry in the United Kingdom and the Tata Iron and Steel Company in this country; and it will be in force only until action is taken upon the report of the Tariff Board on the iron and steel industry, the statutory inquiry into which will take place in the coming year. Now, Sir, before I quit this particular subject, I should like to give the House a few figures which will enable it to place this question of preferences in its proper perspective. I have had figures compiled on the average of the three years ending with 1929-30, and I find that as much as 55 per cent. of our total imports into this country do not come into the preference scheme at all. Of the balance of 45 per cent., 22.4 per cent. are covered by differential duties in regard to which we are committed in no way under the Agreement and the future of which must be decided on the coming reports of the Tariff Board and decided on one principle and one principle alone, namely, the interests of this country. It is only, therefore, in regard to the balance, namely, 22.6 per cent. of our total imports, that preferences are given and, of this quantity, about half comes from the United Kingdom and the remainder from foreign countries. I shall probably have to return later, in the course of the debate, to these figures, but I would ask the House to ponder very carefully on their significance.

Then, Sir, let me turn to the other side of the picture and, in a few words, state what it is that we have for our part gained from the Agreement. And if here, in passing, I venture to comment in a few cases on the value of preferences to ourselves, it is because, even at this stage, I cannot allow grave misrepresentations in this matter to continue without refutation. In the first place, Sir, the articles described in Schedule A will now be subject to the rates of duty shown therein, but goods of these categories from India will be admitted free; that is to say, we will get a preference equal to the rate of duty shown in this

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Schedule. And now, Sir, I will say just a few words in regard to certain articles in this Schedule.

It seems to me that two commodities are of very special importance, vegetable oils and linseed. To those whose cry is that we are only to be encouraged to export our raw material, it will, I think, come as something of a surprise and possibly a shock to find that as in the case of our iron and steel, our cotton, our coir and our jute manufactures, our undressed leather and our carpets and rugs, so also, in the case of our vegetable oils, we have secured preferences which definitely advantage our manufactures and our semi-manufactures. In fact, some of the largest preferences we have obtained are in respect of goods falling under this category. The 15 per cent. preference *ad valorem*, which we get in regard to our vegetable oils, is of very special importance to this country for three reasons: firstly, it will enable us to capture a market which is very largely supplied by the foreigner. In 1929-30, Great Britain took castor oil, linseed oil, cocoanut oil, groundnut oil, rape and sesamum oil from foreign sources to the extent of no less than £2½ millions. Now, except in the case of cocoanut oil, there is no reason why India should not supply the whole of this, and this is the point to be noted: she has no serious competitor within the empire in regard to these other oils. Secondly, this preference will give a definite impetus to our oil-expressing industry, and, thirdly, it will help us to do what friends of Indian agriculture have been clamouring for for years, namely, to keep oil cake in the country to the great and lasting benefit of agriculture. Next, let me turn to linseed. Here I think it is generally admitted that the preference will be of considerable value and that also for three reasons: firstly, there is an extremely large market to be captured from the foreigner of the order of something like Rs. 2½ crores. Secondly, we will share this preference with no other member of the empire; and, thirdly, it is possible for us to supply almost the whole of the United Kingdom's requirements without contracting our supplies to foreign countries having regard to our production twenty years ago. This preference will, I hope, result in bringing under more remunerative cultivation areas that are now being cultivated with less paying crops or may even have gone out of cultivation. In the year 1913-14, the area under linseed cultivation was something like five million acres. In 1930-31, it had contracted to three million acres. If, as a result of this preference, we are able to increase that area by only a million acres, and, if we count a modest extra profit of Rs. 10 an acre from the cultivation of linseed, this will be placing nearly a crore of rupees extra into the pockets of the Indian cultivator. I will only mention and it will generally, I hope, be recognised that the very heavy preference we are getting on rice, namely, 1*d.* a pound, will help us to materially increase our exports and to capture a large trade that is now in foreign hands. Secondly, we obtain now a preference of 9*s.* 4*d.* a cwt. on our coffee. Instead of that preference, had we been subjected to a duty, then we should have been in a hopeless position as against the coffee-producing areas of the empire which are our chief competitors in the grade of coffee which we produce. Thirdly, we are assured continuance of the rates of preference on the articles shown in Schedule C; that is to say, a minimum preference of ten per cent. and in some cases a very much higher preference, as for instance, tobacco. This assurance is accompanied by the promise that if the rate of preference

in respect of any of these articles is increased, so far as empire countries are concerned, that increased rate will also be extended to India. Now, I have heard it said that we are going to get no advantage from the preference on certain of our manufactures which are included in this Schedule, as for instance, jute manufactures and carpets and rugs. The value of our exports in these articles to the United Kingdom in the year 1929-30 was in the neighbourhood of  $4\frac{1}{2}$  crores of rupees. It is a matter well known that in these commodities we are up against not merely British competition, but also foreign competition. People do not realise when they talk of preference being of no value or of little value, that the alternative was not between preference on the one hand and free entry on the other, but between preference on the one hand and possibly a very heavy duty on the other. Had we refused to enter into negotiations, instead of a preference in these cases, we may very well have had to face such a duty; and even a ten per cent. duty on the articles which I have referred to would most obviously have crippled us. I have pointed out that the trade in these articles to Great Britain amounted to something like Rs.  $4\frac{1}{2}$  crores in the year 1929-30. If that is an unconsidered trifle, then I have only to say that such trifles in a number of cases soon assume in the aggregate proportions which not even Chambers of Commerce and Professors of Economics can afford to ignore. Fourthly, it will be noted that we have been able to get certain commodities placed on the free list. I have already explained the importance of this; and I instanced the case of lac in which I pointed out that we were subject to the keenest competition from substitutes; and I pointed out also how important it was for us to secure the position we had, namely, free entry for our goods and an import duty on all substitutes from foreign sources. Lastly, under the British Import Duties Act, and while it is in force, we shall obtain free entry of all other articles not included in the free list and preference to the extent of the duty. The most important commodities in this class are Indian pig iron and half finished steel in respect of which we shall secure free entry and a preference of no less than  $33\frac{1}{3}$  per cent. against competing foreigners. The importance of this to the iron and steel industry of this country is, I think, evident. The surplus blast furnace capacity of this country is in the neighbourhood of about a million tons annually, the bulk of which must find a foreign market for at least a considerable time to come. Japan, three or four years ago, our most important customer, has been gradually diminishing her purchases, and she will continue to do so as she makes fuller use of her own and the Manchurian blast furnaces.

Now, Sir, I have given briefly a conspectus of the preferences we have given and the preferences we have got in exchange. I would like only to lay emphasis on one point even at the risk of repeating myself, and that is, I would point out to the House the way in which our Delegation has safeguarded the main principles of our economic and industrial policy. In the first place, the outstanding feature of that policy is the protection of certain Indian industries. These preferences do not impair that protection by one jot or tittle, or if industries, which are not on the protected list, wish to be included in that list, there is nothing in this Agreement to prevent that being done. I would point out to the House that it is wholly untrue to say that these preferences stand in the way of the protection of our industries either given or to be given in accordance with our policy of discriminating protection. Then, secondly, I would like



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to emphasise the fact that all that we have given is a margin of preference. We have not assured Great Britain either free entry or any particular rate of duty, so that we are free to levy any rate of duty.

And, lastly, Sir, we have safeguarded those commodities which it is our national policy to import, either free or at exceptionally low rates. I cannot do better than repeat to the House, in the language used by the deputation, those categories, because I am afraid that this matter has been most grievously misrepresented or at any rate overlooked:

"The exemptions from duty and the low rates of duty fall into one or other of the following categories:

1. Commodities of importance to the cultivator such as agricultural implements and manures.
2. Particular medicines such as quinine, the wide distribution of which is important from the point of view of health.
3. Commodities, a duty on which might operate as a tax on knowledge, such as printing machinery and appliances.
4. Commodities, a duty on which might retard a desirable development still in its infancy, such as aircraft and Radio appliances.
5. Commodities, duty on which would impede the development of industries such as power machinery and raw materials, and dyes.
6. Commodities, a duty on which might appreciably increase the cost of railway transport, such as locomotives and many other classes of railway material.

In each case the exceptional treatment of the articles concerned was based on broad grounds of national policy deliberately adopted which, it was held, must outweigh purely revenue considerations."

I would point out then, Sir, that in respect of these categories, no preference has been given or promised.

Now, Sir, I come to the third question which I have set myself to answer—why we should accept this Agreement, and I can perhaps best clear the way for an answer by dealing with what may be, and, in fact, has been urged as reasons for its rejection. I have already dealt with the suggestion that we might well have ignored the results of the British Import Duties Act and have accepted the disadvantages that would flow from such disregard. I would like to point out that, while I hold the view that attempts to arrive at a mathematical estimate of the losses likely to result from the rejection of the invitation to discuss matters with His Majesty's Government must be largely illusory, we could not possibly have ignored such losses as even hostile critics of the Agreement are prepared to acknowledge. Such critics have suggested that our losses would only have amounted to something like eight or ten crores of rupees, and even this, we could not possibly have ignored. But another line of attack which has been developed is the attempt to frame a balance sheet and to show from it that we have given far more in the way of preferences than we have received in exchange. Now, Sir, I cannot object to those who have predilections that way indulging in these mathematical exercises, but I do say that the results do not necessarily bear any relation to facts. I would ask the House to look into this matter a little more carefully, and I am sure it will agree with me as to the futility of attempting to arrive, if accuracy is our object, at a profit and loss account at this stage. The main object of a preference is to increase the trade in the commodities for which it is given. But, Sir, the factors which

govern such increase are so complex and are subject to such varying considerations that any *a priori* attempt to work out their respective values and to determine the final result must give results differing little, if at all, from the results of pure conjecture. Take for instance, the case of linseed. We hope, by the preference we have obtained, to very largely increase our market for this commodity, but the moment we attempt to examine the matter more closely and arrive at a closer estimate of the exact extent of the increase, we are faced with formidable difficulties. In the first place, we must ascertain the uses to which this commodity is put; secondly, we must ascertain the comparative value of the Indian article and its competitors for the particular purpose to which it may be put; thirdly, we must know something of the comparative prices at which it is possible for one article to be substituted for the other for a particular purpose. Then we must have some idea of the extent to which, if any, the foreign competitor will absorb the preference, and lastly we must have some idea of the extent to which the Indian cultivator will respond to the better market which we have created for him. I confess, Sir, that the calculation is entirely beyond me, and if anybody is bold enough to embark upon it, I am sure, the House will agree with me that the results obtained can be of little real value. What we have a right to say, and what we do say, is that these preferences *a priori* will result in benefit to our trade and in expansion of its volume, but what we cannot say is the actual extent of the enlargement which will take place. There is only one way, Sir. We cannot evaluate these preferences, and if we attempt to do so, we can get no results which are of any value whatsoever. We can, however, say, that *prima facie* for the reasons which I have given we are likely to benefit from this arrangement which we have made. If, as a result of actual experience for a period of time, we find that our anticipations are not realised, that our actual trade returns do not show the enlargement which it was anticipated would take place, or that we have paid too high a price, it is open to us, Sir, to go back and to determine this Agreement at six months' notice. Article 14 is the most complete and the most conclusive reply to critics of the Agreement. It leaves us, as it leaves His Majesty's Government, free to go back upon our steps and determine this Agreement if we find that the bargain which we anticipated would be beneficial to us is not enuring to our advantage. And I would point out that this provision is only to be found in the Agreement that we have come to with the United Kingdom. It finds no place in the Agreement with any other Empire Country.

Sir, I have now trespassed a great deal upon the patience of the House. It may be that I have been somewhat discursive in dealing with a difficult subject; if I have, I ask the House to excuse me, for I am somewhat of a novice in dealing with matters of commerce and trade. (*Sir Hari Singh Gour*: "No, no.") But I can summarise in a few words the position as I see it, and as I would ask the House to see it.

The attitude of the Government of India towards the question of Imperial Preferences has been most admirably summarised in paragraph 15 of the Delegation's Report, and I would invite the earnest attention of the House to that paragraph. The British Import Duties Act, as I have already said, introduced a fundamental change in the existing situation. It placed the question of preferences in an entirely different perspective. It ceased to be a question of Imperial Preference; it became a pure business proposition, and as a business proposition we have regarded it.

[Sir Joseph Bhore.]

Faced with the consequences of this Act, we had to decide whether we would accept the disabilities which would be imposed upon our trade, or whether we would endeavour to avert or minimise those disabilities by mutual adjustments. And we had no hesitation in making our choice. We could not for a moment contemplate the possibility of a loss of trade of these proportions, which, following upon years of depression, might very well have involved large sections of our agricultural and industrial classes in severe disaster. Nor could we assume that easy optimism which suggests that it is a simple matter to find alternative markets for a trade of this magnitude. We could not ignore the object lesson of the past few years even if we were prepared to overlook the teaching of common sense. We, therefore, through our Delegation, entered into negotiations with His Majesty's Government for a mutual agreement between the United Kingdom and ourselves. I contend that that settlement, as far as we can see at present, is fair, equitable, and likely to be to the advantage of both sides. But, Sir, it is impossible for us at the present moment to calculate what exactly will be the true value of the preferences given and received, nor can we calculate exactly the even more important consideration, namely, the expansion of our trade which we hope will be the result of this Agreement. All that we can say is that we have smoothed the difficulties in the way of, and we have set in motion the conditions favourable to such an expansion, and that it would be a matter for surprise if expansion, and considerable expansion, did not result from it. More than that I do not claim.

Sir, I would say finally that I am not perturbed at condemnation of this Agreement on the ground that we have given far more in preferences than we have got in exchange. For I look to the British side and I see exactly the opposite statements made by those who hold the view that Great Britain has given far more to India than she has got from India. I read the denunciation in Parliament of the Labour Member who asked for protection against Indian pig iron instead of the preference we are getting and claimed that it was wiping out Scotland and Wales. I look to the contention of the representatives of Dundee in Parliament to the effect that Dundee's interests would be most grievously affected by the position we have secured for our jute manufacturers. I note the debate in Parliament on our linseed preference and the contention that this preference is going to affect more than one British industry. I look to the British trade journals and I find those contentions are repeated in regard to our carpets, our rugs, coir mats and coir manufactures. And I feel relieved, because I know that where such diametrically opposite assertions are made on the two sides, our own middle position cannot be far from the truth. (Cheers.) That position is this, as far as we can see at present, the bargain is a fair one, likely to be of advantage to both sides.

We must give the Agreement a fair time to operate, and if, as a result of experience, we find that our anticipations are not realised, that we have, as a matter of fact, given more than we are likely to get, or that our losses consequent upon any action which may be taken by our foreign customers—I confess I cannot visualise what they may be—outweigh the gains accruing from the Agreement, then, Sir, we are at full liberty to determine the Agreement.

In conclusion, I would like to say one word about our Delegation. Most of the members of that Delegation are known personally to the Members of this House. Most of them have occupied seats in this Chamber and have taken part in its deliberations. Every one of them has a record of services—either in public service or in public life—which I submit entitles their words and their actions to regard and consideration. All through the difficult negotiations at Ottawa these Delegates never for one moment forgot the interests of this country or placed them anywhere except in the forefront. They served those interests with a loyalty of purpose, a singleness of aim and a knowledge and understanding which seem to me to be above all praise. And, Sir, I would like to convey to them our warm appreciation of a task, which any unbiased student of its report must admit, was well and truly done. (Cheers.)

Sir, I have now finished and I would commend my Resolution to the House for acceptance. (Loud and Prolonged Applause.)

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The Assembly then adjourned for Lunch till a Quarter Past Three of the Clock.

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The Assembly reassembled after Lunch at quarter Past Three of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move:

"That for the original Resolution the following be substituted:

"That the Ottawa Trade Agreement between India and other countries of the British Empire be referred for scrutiny and report to a Committee of the Legislative Assembly consisting of the Honourable Sir Joseph Bore, Dr. D. B. Meek, Sir Hari Singh Gour, Mr. R. K. Shanmukham Chetty, Mr. B. Das, Sir Abdur Rahim, Mr. B. Sitaranaraju, Seth Haji Abdoola Haroon, Sir Zulfiqar Ali Khan, Mr. G. Morgan, Mr. Muhammad Yamin Khan and the Mover, with powers to co-opt not more than six specialists including persons interested in the industries affected by the Agreement; and to avoid dislocation in trade, this Assembly recommends to the Governor General in Council not to introduce a Bill to amend the Indian Tariff Act of 1894, till the report of the Committee has been adopted by the Assembly.

This Assembly further requests the Governor General in Council to urge on the British Government to suspend the operations of the Import Duties Act till this House has given its decision on the Agreement."

Sir, I take this opportunity to express my appreciation of the manner in which the Mover of the original Resolution, the Honourable Sir Joseph Bore, presented his case before the House and I assure him that I shall discuss this question very coolly, dispassionately and entirely from the economic point of view. I do not blame the Government for taking part in the Ottawa Conference. I strongly believe that we should take our due share in all the deliberations affecting the British Empire. In fact I would have resented, had they kept aloof from the Ottawa Conference. I have nothing to say against our representatives, but I would not go so far as to say that I endorse every word they say, on the ground that two of our representatives have signed it. (*An Honourable Member:* "They are not our representatives.") In view of the very strong criticisms

[Dr. Ziauddin Ahmad.]

from various quarters in the country, not only from the economists, as the Honourable the Mover pointed out, but also from the representatives of various industries and commerce, I think it is our duty, as representatives of tax-payers, to consider very carefully the arguments on either side, before we endorse our opinion on this Trade Agreement. The question of Imperial Preference is one on which opinions are very sharply divided in every country including England. Even those who are not opposed to the principle of Imperial Preference would like to examine the loss and gain to India in regard to each commodity included in the Agreement. It is not fair to the Legislature and to the country to rush through the Bill in spite of the explicit warning of the Fiscal Commission to the contrary. The Fiscal Commission very clearly said in their report in paragraph 268 :

"It is evident that the Legislature can hardly be asked to pronounce an opinion until it has some idea of the extent to which its application is feasible. We, therefore, recommend that as a preliminary to any consideration of the desirability of India adopting the policy of imperial preference, an examination should be made by the Tariff Board to determine whether there are any commodities on which preference might be given in accordance with the principles which we have laid down to the benefit of the Empire and without detriment to the Indian interest."

Now, the same Commission laid down one very important principle that the preference should not involve any particular economic loss to India after taking into account the economic gain which India derives from the preference granted on her by the United Kingdom. Sir, through you, in your double capacity I would request the Government that they ought to have seriously considered this particular paragraph of the Fiscal Commission. As soon as the report was out, they could have referred the whole question by executive action to the Tariff Board and, had they done so, the necessity of moving the amendment, which I am moving today, would not have arisen. What is Imperial Preference? This has been beautifully defined also by the Fiscal Commission. It really means taxing one country for the unemployment of another country. That is really the meaning of Imperial Preference. Then we should like to know how much you are taxing the Indian people for the unemployment in the United Kingdom and how much you are taxing the United Kingdom for the unemployment in India. I should like to see the debit and credit, the balance sheet of the two before I give expression to my opinion whether this particular Agreement is for the good of India or against the benefit of India. We have really to sit down and examine the details of our Agreement. We must go through the loss and gain on each item of the Agreement which, under the Resolution, we cannot discuss on the floor of this House. We can only discuss here the principles without going much into the figures for each commodity. In this case details are as important as principles, if not more.

I now draw attention to the few principles which have not been answered in the report. We know that the Fiscal Commission in their report, which was drawn up in the year 1922, said that India receives about 2/3rds of exports from the British Empire and sends only 1/3rd of exports to them. The question of exports and imports is reviewed in "the Review of the Trade of India for the year 1931-32". Here we find that in the case of import to India from United Kingdom, the figures are gradually diminishing. The pre-war average was 62.8 per cent. After the war, it was reduced to 57.6. In the year 1930, it was reduced to 37.2 and last year it was further reduced

to 35.5. On the other hand, our export to the United Kingdom has risen during the same period from 24.2 to 28.2. Therefore our export has, during this time, risen while the import from the United Kingdom has certainly diminished. Therefore if protection is needed, it is needed by the United Kingdom and it is not needed by India. I will come later on to the argument advanced by our representatives for signing the Agreement.

Sir, the allied problem, which is really a very disquieting problem and a problem of a very alarming nature is the one to which I am coming now, that is the question of the balance of trade. Now this question of the balance of trade is really a very important feature in the economic development of our country. Now, attention was drawn to it by our Finance Member, Sir George Schuster, in the Ottawa Conference, in these words:

"According to the figures for the first three months of this year, India is only exporting merchandise at the rate of 120 crores per annum (£90 million sterling) while she needs, as I have already shown, a favourable trade balance of at least 50 crores (£37½ millions) in order to maintain an even keel. Therefore, if it were not for the export of gold she could only afford to be importing at the rate of 70 crores (£52½ millions) per annum. A reduction of imports to such a figure would create a completely impossible budgetary position. If on the other hand imports were not so reduced she would be unable to meet her external obligations except by raising fresh loans, a course of which the dangers and disadvantages are obvious."

Those remarks were made on the figures of three months, *i.e.*, April to June, and when we take up the figures for the succeeding three months as well, that is, to the end of September, we find that the position has become more disquieting; that is, instead of having a balance of trade in favour of India, we are now having exactly the reverse; that is, in the six months of the year 1930-31 we had a balance of trade in our favour to the extent of 38 crores. Last year we had a balance in our favour of 12 crores, and this year during the same period we have a reverse balance, that is, —8½ crores. Therefore, this reverse balance is really a balance of a very disquieting nature.

**Mr. B. Das:** What about the export of gold?

**Dr. Ziauddin Ahmad:** I am now talking of merchandise only. The export of gold is a passing feature which cannot go on indefinitely. That is different. Now, coming to this balance of trade, I am sorry the Finance Member is not here, because it is he who will be concerned mostly in his budget debate. The average balance of trade before the war was 78.27 crores. In 1927-28, it was 81.97 crores. Then, in 1928-29, it was 86.47 crores. In 1929-30, it was 71.98 crores. In 1930-31, it was 62.05 crores, and last year even it was 34 crores, but this year we expect a deficit of 17 crores. What does it mean? It would really mean that India will have to borrow 50 crores of rupees in order to meet her obligations in England, and, in addition to that, India will also have to borrow, to pay for this deficit in the balance of trade, about 17 crores. This really means that in this year 1932-33 India will have to borrow a sum of about 67 crores in order to pay up obligations in England and in order to pay up for the unfavourable balance of trade. Now I should like to be assured by our representatives at this Conference on the floor of this House how this Imperial Preference will affect this unfavourable balance of trade. Will it affect that favourably or will it be against us, and why? I should like to be told by means of figures how this balance of trade will be

[Dr. Ziauddin Ahmad.]

affected by this Ottawa Conference; and if no answer can be given on the floor of this House, then my case is made out for appointing a Committee and I think Government have no alternative but to give us this particular Committee in order to convince the country that this Imperial Preference will not affect adversely this balance of trade against us. Sir, this unfavourable balance of trade may be due to a variety of reasons and it is impossible, in the course of a speech, to discuss all those reasons. We should like to know and discuss what those reasons are and how far those reasons would be affected by this Imperial Preference and the Agreement which we have made with the British Empire and the Colonies.

Now, the third point which requires to be looked into and where the report, I think, has not done full justice is about the raising of the price level. I moved a Resolution last March to the effect that it should be the duty of the Government of India to pay more attention to the fixation of the price level than stabilising exchange and now this Ottawa Conference, in the various resolutions, have confirmed this principle that the price level ought to be raised slightly and then stabilised at that moment. I should like to know whether this Imperial Preference will have the effect of raising the price level or lowering the price level. As far as I can make out, it will lower the price level and will not raise it. Some people may say, it will have opposite effect, but from the figures I have in my mind I am convinced that this Imperial Preference will lower the price level, which is exactly the opposite of the recommendations of the Ottawa Conference. This is also a point which ought to be carefully looked into before we put our seal on the Agreement at the Ottawa Conference.

Then, the fourth point on which I should like to have some assurance from the signatories of the Agreement on the effect this would have on our trade with foreign countries. It has been pointed out that we have got a greater volume of trade with foreign countries than with the British Empire. If we sign this trade document, will it or will it not happen that some of the countries may retaliate against us? Will it not be that some of these countries may have some duties put on our goods exported to them? So whatever we have gained in one pocket, we may perhaps lose in the other, and the net result may be a little loss instead of a gain. This is a point which I should like to visualize and to discuss at the committee stage, as to how it will affect our trade with the countries outside the British Empire. I heard with great comfort what was said by the Honourable the Mover of this Resolution that there are several countries outside the British Empire which would like to come into this pact. Well, I would very much welcome that, and if we could feel really certain that what is said would happen, then it would really be a great consolation to us; but before we put our seal on this Agreement, we should examine a little more closely this particular point and see how it would affect our general trade. My next point, which is the fifth point, and on account of which I move this amendment, is that we are asked to give our consent to this Agreement on the very imperfect material placed before us. Here is only one solitary report, however well-written it may be, from our Delegations. We have not seen the whole proceedings of the Ottawa Conference. I would certainly like to see the report which the British Delegation have written for their own Parliament, and this

particular report is not before us. Then I would very much like to see the reports written by the various Dominion representatives for their own country, and these reports have not been supplied to us; and unless we see the reports written by the various Delegations and we have the whole of the proceedings of the Conference before us, it is very difficult for us to form a judgment on the solitary opinion of a few individuals and on one report alone. It may be entirely a one-sided case and the other side may have been entirely overlooked. It is on account of all these arguments that I have moved that the matter be referred to a Committee so that Members who perhaps may find some delicacy in giving expression to their views in public may perhaps be able to tell us their views in the Committee and we may be able to form our own judgment. I suppose, Sir, that all the Members have been supplied with a copy of a report written by Messrs. Vakil and Munshi. They have given certain figures and I would like to examine them with the help of authoritative figures to find out whether they are correct or not. This is a report which I cannot examine on the floor of the House and I want some time to discuss it. Mr. Munshi has said on page 22 which has already been quoted by the Honourable the Mover:

"If we do not accept the Ottawa Agreement, then our export trade will be affected by an extent of 8 crores. By accepting the Agreement we may capture trade up to the value of 13 crores."

But looking from the point of view of Britain, they say on page 15:

"In view of the fact that it is not possible to take into account the above-mentioned considerations in making the required estimate, we shall err on the safe side if we take the estimate already explained above, namely, 33.3 crores, as the probable additional market that the United Kingdom will capture with the help of the proposed preference."

So, here we have got the figures showing that the United Kingdom will capture a trade amounting to 33.3 crores and India cannot aspire to capture more than 13 crores of rupees. These are the figures which have been supplied to us from one quarter and I would like to discuss the matter with those persons who have got the figures on behalf of the Government of India in order to find out which of the two figures are right. Therefore, I am not asking too much when I say that we should be given an opportunity to verify for ourselves the argument and the figures on either side.

Sir, one argument which was really a central argument in the report of the Ottawa Agreement and which was also mentioned by the Honourable the Mover was that the British Government were going to impose duty on our export commodities and our trade will substantially suffer. So, in order to avoid the falling of our export trade with the United Kingdom, it is very necessary that we should enter into this Agreement of Imperial Preference. Now, I work out the arithmetic from another point of view. Suppose we do not allow any Imperial Preference on the goods imported from the United Kingdom and suppose the amount which we save in the case of this Imperial Preference may be, roughly speaking, one crore of rupees. Then we keep one crore of rupees which we would have saved by not giving preference to the British goods in our pocket, and for all the articles that are exported from India on which the duty is charged we may give a bounty out of this one crore which we have got equivalent to the duty imposed by the British Government. The point which we have then to consider is whether I have got sufficient money here to give in bounty all the articles exported to the United



[Dr. Ziauddin Ahmad.]

Kingdom. So, this is a question of arithmetic which has to be carefully worked out. If I have got more money left and I have to give less in the shape of bounty, then I am a gainer. If, on the other hand, I have to pay in bounty much more than I possessed, then I would be a loser. But I should like very much to calculate on either side to find out which would be more advantageous to India. I should like to find out what would be the financial effect on these things if out of the money which we have saved on account of not giving Imperial Preference to the British goods we may give a bounty to all those goods on which the additional duty is charged in the United Kingdom so that they may be able to compete on an equal level. This is a point which I have to work out. The materials that are given to us are not sufficient to work out these things. This is one of the points which I would like to discuss at the committee stage before I can endorse the agreement.

Sir, there is one more point to which our representatives ought to have given consideration and if they failed to do so, the matter ought to have been referred to the Tariff Board. If the Tariff Board also failed to consider it, then we ought to consider it at this stage. That matter relates to the entire question of our tariff policy. In fact, we have no policy whatsoever. Last year the Government said that they wanted more money and we then increased the tariff by 25 per cent. without taking into account the fact whether the law of diminishing returns was or was not applicable in any particular commodity. The Finance Department, on account of their overburdened duties in other sphere of work, never tried to work out in a scientific manner the whole theory of the tariff and the customs duties.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member has already had 25 minutes. The Chair wishes him to conclude his remarks within five minutes more.

**Dr. Ziauddin Ahmad:** They did not work out this theory at all. They might as well have asked the Fiscal Commission to work it out. Speaking personally, I strongly believe in the question of free trade, because I think that free trade is a boon to every country and it is a great mistake to disturb the natural trade of the world by means of tariff walls. We can no doubt impose the protective duties in the manner recommended by the Fiscal Commission. That is perfectly justifiable provided it is done as is recommended by the Commission for a limited period and in favour of those industries which are being run in an efficient manner and which are likely to stand on their own legs within a reasonable length of time. That is perfectly justifiable. If we want to levy a duty for revenue purposes, then we can select a few articles such as salt and matches. The trade with regard to other things ought to be as free as possible throughout the world. The whole thing ought to be scientifically inquired into and then we should frame a regular policy and the question of the Imperial Preference may perhaps be a side issue to it.

I am afraid I have not got much time at my disposal and I must only make a few more remarks. Let me say, in the first instance, that by this Agreement the agriculturists are deriving very little benefit. Take the case of wheat first. India cannot compete in wheat with Australia on her own soil—and this is evident from the fact that we had to impose last year a very heavy import duty on

the Australian wheat, Rs. 30 per ton,—then it is evident that the Indian wheat cannot compete with the Australian wheat on another soil, i.e., in the United Kingdom. So our wheat is not going to derive any benefit by means of the Imperial Preference. As regards cotton, I am exceedingly doubtful. I have no time to develop this, but when the Bill will come before us, I will express my views on this subject.

Now, as regards other products, there are very few items which will derive some benefit by means of Imperial Preference. Therefore, I would urge that we may be given an opportunity to discuss these things and examine the subject more carefully. In principle I am not opposed to the Agreement, I am not opposed to Imperial Preference, but I certainly want that we should be given an opportunity, as representatives of the tax-payers, to consider this question most carefully and to give our opinion in accordance with the dictates of our conscience. With these words, I move my amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

“That for the original Resolution the following be substituted:

‘That the Ottawa Trade Agreement between India and other countries of the British Empire be referred for scrutiny and report to a Committee of the Legislative Assembly consisting of the Honourable Sir Joseph Bhowe, Dr. D. B. Meek, Sir Hari Singh Gour, Mr. R. K. Shanmukham Chetty, Mr. B. Das, Sir Abdur Rahim, Mr. B. Sitaramaraju, Seth Haji Abdoola Haroon, Sir Zulfiqar Ali Khan, Mr. G. Morgan, Mr. Muhammad Yamin Khan and the Mover, with powers to co-opt not more than six specialists including persons interested in the industries affected by the Agreement; and to avoid dislocation in trade, this Assembly recommends to the Governor General in Council not to introduce a Bill to amend the Indian Tariff Act of 1894, till the report of the Committee has been adopted by the Assembly.

This Assembly further requests the Governor General in Council to urge on the British Government to suspend the operations of the Import Duties Act till this House has given its decision on the Agreement.’”

**Mr. B. Das:** Sir, I beg to move:

“That for the original Resolution the following be substituted:

‘Having considered the papers on Ottawa Agreement, this Assembly recommends to the Governor General in Council that he be pleased:

- (a) to convey to His Majesty’s Government that India is not prepared to consider any proposal for reciprocal trade benefits with the United Kingdom till such time as India is not given Responsible Self-Government; and

I wish to tell the House that I am making a slight alteration in part (b) of the amendment that I am moving. I am substituting the expression “Colonial Empire” for the expression “Dominions of British Commonwealth of Nations” and the word “Colony” for the word “Dominion”—

- (b) to convey to the Colonial Empire that no Trade Agreement will be entered into or Tariff concessions granted to any Colony which does not concede to Indians settled in their territory equal rights of citizenship’.”

Sir, the whole country today is in a mood of co-operation and that feeling of co-operation was started under the sacred mango tree by Mahatma Gandhi in Yeravda jail; Mahatmaji has begun the spirit of reconciliation between caste Hindus and the Depressed Classes. Sir, today that spirit of unity and that spirit of reconciliation is being worked out at Allahabad, where our Leaders are working hard to achieve unity amongst the different communities. But from what I read in the newspapers, there is very slight hope of achieving unity, but still they are all working in that spirit of co-operation. They all want also to co-operate with England. Far be it for me to say that I do not want to co-operate with England. I want

[Mr. B. Das.]

to co-operate with England as a free partner of the British Empire; I do not want to co-operate with England as a subject race, but as a representative of sovereign nation. I fully endorse the high compliments paid by my Honourable friend, Sir Joseph Bhore, to the Delegates that went out from India. I have seen it in the Press that personal reflections have been cast against the delegates who went out from India, that my Honourable friends, Mr. Chetty and Seth Haji Abdoola Haroon, represented only the British interests. They themselves never said that they represented the Indian nation. They never said they were the accredited representatives of the Indian nation at Ottawa. Circumstanced as they were and situated as they were, they had to do their best. I will criticise later on the views of my Honourable friend, Mr. Chetty, the Deputy President of the House. But I have found it stated in the Press and he has also been challenged by the Federation of the Indian Merchants Chambers, of which he is a member of the executive committee and to which executive committee I also belong. How is it that the Federation of Indian Merchants Chambers elected or recommended Mr. Chetty to go to Geneva to represent the Indian mercantile community? Knowing that Mr. Chetty is going to Ottawa, how is it that the Federation of the Indian Merchants Chambers elected him to the executive committee? Differing as I do, I do differ from the views of my Honourable friend, Mr. Chetty, and also from the conclusions he has arrived at, differing as I do from him, all the same, I do warn the Press and I do warn the Indian Merchants Federation not to cast personal reflections on those who differ from them. After all, my Honourable friends, Mr. Chetty and Seth Haji Abdoola Haroon, did not represent the people of India and they represented the Government of India and they tried to do their best under the circumstances. I may say this, if I were in their place, I do not know if I could have done better than they did. It may be that I would have appended a Minute of Dissent to that Agreement which they manufactured at the India House in London. But my Honourable friends, Mr. Chetty and Seth Haji Abdoola Haroon, probably acted in a more statesmanlike manner than I would have done and they wanted to be businessmen only and forgot the political aspect of the question, having been so many thousands of miles away from India.

**An Honourable Member:** That is no defence for them.

**Mr. B. Das:** I am only saying that no personal reflections should be cast upon these friends. I was stating that my Honourable friends, while they were in that cold country, while they were in those bleak climes of Ottawa where, I understand, people travel on dog sledges or on sledges drawn by rein-deers, in that country my Honourable friends forgot the political aspect of the question, they forgot the exact implications of an agreement with England or with the Dominions.

Sir, my friends succumbed to the deep laid plot laid by the British Government, a plot which was not a new one. The plot is too well known to you, Sir. Alas, how I wish you were here on these Benches and, instead of my speaking, you would have addressed the House and exposed this deep laid plot which was started in 1903 and which was revived after the War! The plot of Imperial Preference was completed when the Conservative Government, or when the so-called National Government came into power in England. They hatched this plot, they passed

an Act last February, called the Import Duties Act. England only knew too well that the Economic Conference will meet at Ottawa. England passed the Import Duties Act whereby they put certain duties on certain articles imported into England. England wanted India to bow on her knees and bend down on her feet and to accept what Baldwin dictated at Ottawa and this was what my Honourable friends, Mr. Chetty and Seth Haji Abdoola Haroon, did at Ottawa. They did not breathe the spirit which my Honourable friend, Sir Joseph Bhore, expressed. My Honourable friend, Sir Joseph Bhore, said that everything has ended happily. He said that India may not have come out very successfully, but India will not be worse off. I doubt whether the starting point with which my Honourable friends started to write the report was a correct one. What was the basis?

"It is no longer a question of what India stood to gain, but what she stands to lose."

That is the basis with which the representatives of Government of India started writing their report. There was a loaded pistol and there were the calculations of British economic experts and, probably, our experts. I take this opportunity to welcome my old friend, Mr. Burt, as a Member of this House. He was the Agricultural Adviser at Ottawa and he must have marshalled his statistics and figures. There is again my very esteemed friend, Dr. Meek, whom also I welcome here. He also must have sent volumes of statistics for my friends and my friends succumbed to the loaded pistol that England held at their throats. So when my friends all the time thought that India was going to lose everything and they must save everything from the deluge, how could they remember the basis of all agreements and conventions which you, Sir, laid down in that well-known report of the Fiscal Commission of which you were the distinguished Chairman. You, Sir, in your minute of dissent laid down the principles of reciprocity for India. I have always admired this report and I have always admired the minute of dissent that you and your four other distinguished colleagues wrote. You laid down in paragraph 44 on page 199, how India could have a reciprocal trade agreement with England:

"We are in favour of the principle of Imperial Preference on the distinct condition that India should in this matter be put on the same footing of freedom as is enjoyed by the Self-Governing Dominions, and that the non-official members of the Legislative Assembly should be given power by legislation or other equally effective means to initiate grant, vary and withdraw preference as may be necessary in the interest of India in all its aspects."

This is better illustrated in one of the previous paragraphs and I will just take this opportunity to quote two pertinent sentences. In paragraph 31, on page 193, this aspect is further illustrated:

"The logical conclusion, therefore, is that India cannot accept the principle of Imperial Preference until she has attained responsible government, and is able to regulate her fiscal policy by the vote of a wholly elected legislature."

Then, I will read one more passage. This is from paragraph 34 on page 194:

"It will be obvious that Indian sentiment is practically unanimous against Imperial Preference in view of India's present political status in the Empire. The conclusion is therefore, inevitable that this question can only become a matter of practical politics when the promised goal of responsible government is reached."

[Mr. B. Das.]

Sir, if I could sum up my whole amendment and my whole speech in one brief sentence, then I would sum up in this one sentence so beautifully and so admirably put:

"The conclusion is, therefore, inevitable that this question can only become a matter of practical politics when the promised goal of responsible government is reached."

Sir, as I said, the representatives of India forgot the political aspects of this question. They did forget it as they mentioned some-  
 4 P.M. where that they were busy in being lavishly entertained by the Canadian Government. They did forget it in that lavish entertainment and also because they had no alternative present. Of course I cannot ask three of these delegates, namely, Sir Atul Chatterjee, Sir George Rainy and Sir Padamji Ginwala to be Indian patriots or to think of the political aspect of the question. But, I wish, my other two friends had remembered this political aspect of the matter.

Sir, as I stated, the Indian Delegation started from the wrong end of the stick with a wrong premise that India is losing all the time. That is why they made so many misstatements in the body of this so-called admirable report. It is, of course, a very well-written report, but there are many misstatements in it. Too much has been made of discriminating protection. If this House gave certain discriminating protection to two particular industries, the steel industry and the cotton mill industry, it also gave Imperial Preference to England and let me tell the House that the non-official Members were, by a majority, opposed to it. The non-official Members quoted chapter and verse from this Magna Charta of the fiscal policy of India, but that was unheeded. To say that the people of India and the legislature had sanctioned discriminating protection with Imperial Preference is a travesty of facts and is a gross misstatement. If this booklet had been written for non-Indian readers only, I would not have minded at all. And my very esteemed friend, Mr. Chetty, with whom I have always worked and seldom differed, knows that if India was a party to discriminating protection with that adulteration of Imperial Preference, it was not at India's own free will. It was extracted from it under the pretence that the Government of India and the legislature must agree; and, constituted as this House is, with forty valiant men sitting behind the Commerce Member and with my friends of the European Group and my friends, the nondescripts, what could you expect and how could India voice her national feeling? Today it will go out that India is a party to discriminating protection with another dose of preferential tariff. But I must say emphatically here that India has never been a party to it. As Mr. Baldwin has extracted from my friend, Mr. Chetty, certain concessions, so also Government have extracted certain concessions, because certain Indian industries wanted protection and Imperial Preference was extracted from us. My friend, Mr. Mitra, says, we accepted discriminating protection. We accepted, at the same time, the policy of giving certain preferential tariff to England. But I can show that both Mr. Mitra and myself voted in the opposite lobby to Government. We did not want to give any preferential tariff to England. Therefore, I understand discriminating protection to mean that the discrimination is such that England receives certain preferential tariffs. This differential duty was accepted from us and here there are statements that it has not done India any harm and India gave it of her own free will. But India never gave tariff preference

of her own free will; and what is said here in section 4 of para. 15, that this has been done entirely in India's interests and not on grounds which would justify the general scheme of tariff preference. I strongly refute this statement. This is a wrong statement, a misstatement.

All the time my friends were labouring that India should establish her position in the colonial markets: in para. 25, they bring about a certain misstatement about colonial markets; but I do not know if India is very anxious to capture the colonial market and tolerate the ill-treatment there. We are anxious to capture the colonial markets, but we do not like the colonials owing to the way we are treated there. This sentiment was so admirably laid down in section 2 of para. 44 of the minute of dissent signed by you, Sir, in the Fiscal Commission's Report.

"That the condition precedent to any agreement with a British Dominion in trade matters on the basis of reciprocity should be the recognition of the right of Indian people to a status of complete equality and the repeal of all anti-Asiatic laws so far as they apply to the people of India."

When I said that, I would take off the word "dominions" from para. (b) of my Resolution, because I find my friend, Mr. Chetty, has not entered into agreement with any of the Dominions, and yet the fact stands that these Dominions have their large financial investments in British houses; but they have entered into certain agreements with the Colonies and to us, Indians, who are laymen, Dominions and Colonies are the same; and what is our position in the Colonies today? We are not recognised as equals and there are these anti-Asiatic laws that are upsetting and creating a lot of ill feeling among Indians from one end of India to the other; what is the effect of these anti-Asiatic laws? We read in the papers, in Calcutta there are thousands and thousands of returned emigrants from South Africa, New Guinea, Malaya, etc., who are starving and I read in the paper this morning or yesterday that the Government of India have been pleased to sanction the paltry sum of Rs. 2,000 for these people who are under my friend, Mr. K. Ahmed's care in Matia Bruz at Calcutta. . . . .

**Mr. K. Ahmed:** (Rajshahi Division: Muhammadan Rural): I do not represent that part of the country.

**Mr. B. Das:** I have made it clear that I have no objection to entering into agreement with England; but the condition must precede that India must be the equal of England, so that we can meet as equals and not as a subordinate nation, as a subordinate race which has no independent point of view. Apart from that I have made it clear that I do not want any trade agreement today or tomorrow or even when India is free, with Canada or Australia or South Africa or with any Dominion or Colony for the bad treatment, for the anti-Asiatic laws they have framed; and I want to ask my friend, Sir Joseph Bhole, who is so very anxious to enter into a trade agreement with the Colonies, what has he done about the trade discrimination between Indian residents and the European residents in Kenya and Tanganyika and how much our Indian friends and merchants are suffering today under trade disadvantages? My friend, Mr. Chetty, neglected that aspect of the question and today he asks India to enter into trade agreement with the Colonies. I am not going to enter into any trade agreement with any Colony. With these words, Sir, I commend my Resolution to the House.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment proposed:

"That for the original Resolution the following be substituted:

'Having considered the papers on Ottawa Agreement, this Assembly recommends to the Governor General in Council that he be pleased:

- (a) to convey to His Majesty's Government that India is not prepared to consider any proposal for reciprocal trade benefits with the United Kingdom till such time as India is not given Responsible Self-Government; and
- (b) to convey to the Colonial Empire that no Trade Agreement will be entered into or Tariff concessions granted to any Colony which does not concede to Indians settled in their territory equal rights of citizenship'."

The next amendment on the Order Paper stands in the name of Mr. Misra, which cannot be allowed to be moved, because the first part is a repetition of what has already been moved and the second part is outside the scope of this Resolution. As regards Mr. Jog's amendment, that is also practically covered. He wants a Committee and a Committee has already been proposed.

Mr. Gaya Prasad Singh cannot move his amendment, because it is a repetition of what has been already proposed.

Mr. Ramakrishna Reddi.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I do not move my amendment.\*

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Mr. Sitaramaraju.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, with your permission, I propose a few changes in the amendment which runs as follows:

"This Assembly, before accepting the Trade Agreements made by the Government of India with His Majesty's Government in the United Kingdom, which was signed at Ottawa on the 20th August, 1932, and the Supplementary Agreement regarding iron and steel contained in the correspondence between Sir George Rainy and Sir Horace Wilson, dated the 22nd September, 1932, recommends to the Governor General in Council to refer the matter to the Tariff Board for the purpose of examining the said agreements so that if, on the report of the Tariff Board, the Indian Legislature were to come to the conclusion that the acceptance of the said Agreements are in the interests of India, this Assembly might recommend to the Governor General in Council to introduce such legislative measures as it might deem to be necessary and this Assembly further requests the Governor General in Council to request His Majesty's Government to postpone the operation of the Import Duties Act in the meantime."

Sir, I move.

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\* "That for the original Resolution the following be substituted:

'This Assembly, before accepting the Trade Agreement made by the Government of India with His Majesty's Government in the United Kingdom, which was signed at Ottawa on the 20th August, 1932, and the Supplementary Agreement regarding iron and steel contained in the correspondence between Sir George Rainy and Sir Horace Wilson, dated the 22nd September 1932, would submit the report of the Ottawa Agreement drafted by Sir Atul Chatterjee and other members of the Indian delegation for the consideration of various Chambers of Commerce in India and with the collective opinions thus obtained would submit the Agreement and all connected papers and opinions for examination by the Tariff Board, and if the Tariff Board reports that such Agreement is to the best interest of India, then recommend to the Governor General in Council that he do introduce in the Indian Legislature at the earliest possible moment such legislative measures as may be necessary to give effect to the Agreements in question and to make representations to His Majesty's Government to suspend the operation of Foreign Import Duties Act on Indian commodities entering the United Kingdom until the time the Assembly considers the Ottawa Agreements'."

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is reading the word "might"; that makes it indefinite.

**Mr. B. Sitaramaraju**: "Will" I propose to substitute for "might" to make it definite. Sir, in moving this amendment I would like to say that my Honourable friend, Dr. Ziauddin Ahmad, who has moved his amendment has placed the question on an economic issue; and my Honourable friend, Mr. Das, has placed his amendment on what he called the political issue. I consider that economics is only a part of politics and politics today is nothing but economics; and, therefore, in moving my amendment I would like to say that it is as much a political as an economic issue. These trade agreements have been entered into by the Indian Delegation which was only representing the Government of India, but not the people of this country. The Government of India's representatives entered into an agreement with His Majesty's Government. The Government of India are not responsible to the people of this country, but they are responsible, under the constitution, to the people with whom they entered into an agreement. Therefore I wish to say that this Agreement, which was entered into by the Government of India, as agents of His Majesty's Government, with their principals, His Majesty's Government, must be submitted to the scrutiny of this House. I repudiate the suggestion that the representatives of the Indian delegation are in any way representing this House.

**Mr. K. Ahmed**: It is good logic?

**Mr. B. Sitaramaraju**: I always speak good logic only, Mr. Kabiruddin Ahmed. The Government of India said that they did not intend to make any changes without satisfying the Legislature that they are in the interests of India. But I would like to ask the Government of India, whether they have placed this Legislature in a position now to satisfy themselves that the Agreements which they have entered into with His Majesty's Government at Ottawa are really in the interests of India? I submit that they have not placed us in a position to judge and to satisfy ourselves that those Agreements are to the benefit of this country. Today we find that experts have been called in to the rescue of the Government, probably to fight us on the floor of this House regarding the benefits of these Agreements, but the same consideration was not shown to us. We were not given the opportunity to scrutinise these Agreements by any impartial tribunal or by an expert body like the Tariff Board. When I said that this matter must be referred to the Tariff Board, I was only repeating what was laid down in the Fiscal Commission Report. The Fiscal Commission, at page 119, in para. 263, state as follows:

"It is evident that the Legislature can hardly be asked to pronounce an opinion on the policy until it has some idea of the extent to which its application is feasible. We would, therefore, recommend that as a preliminary to any consideration of the desirability of India adopting the policy of Imperial Preference, an examination should be made by the Tariff Board to determine whether there are any commodities on which preference might be given in accordance with the principles which we have laid down to the benefit of the Empire and without detriment to India's interests."

Further, Sir, they have, at the close of para. 264, stated as follows:

"And it is evident that political considerations could not be excluded in determining whether it was desirable for India to enter into an economic agreement or not."



[Mr. B. Sitaramaraju.]

That would strengthen my position that political considerations cannot be separated, although this is purely a business proposition. On the strength of this recommendation by the Fiscal Commission that the Tariff Board should examine the various commodities and see how far these agreements are to the interests of this country, I have tabled this amendment that an inquiry should be made by the Tariff Board as a condition precedent to our decision. When some others and I have been proposing these amendments, we were accused of trying to adopt dilatory tactics and imposing political considerations on a measure of an emergent character. To consider a business proposition, I suppose that the parties to that business deal must both be free, and, therefore, when any of my friends ask that India should be a self-governing country to enter into these agreements, they only ask that India should be in a position like any of the other Dominions to enter, as a free and unfettered party, to an agreement in order to avoid any possible undue influence being brought to bear upon such a business deal. You have, Sir, practically, in your minute of dissent, stated, what my friend, Mr. B. Das, repeated in his amendment, looking at it purely from a business point of view. Therefore, I say that it is a purely business proposition and that both parties should be free and unfettered. If this is a business proposition, and if we are placed in a position to judge, that these agreements would be to our interests, I do not think there will be anybody in this House who would forgo an advantage to India. But we must be sure of that. It is not we who were importing political considerations of the character to which those people who are anxious that we should ratify this Agreement say, but they are importing political considerations. I read from an inspired telegram of the Associated Press that the Conservatives who are in a great majority in the House of Commons today might be displeased by any refusal on our part to ratify these Agreements. Thus it is our enemies who introduce political considerations, by threats and promises referring to the constitutional advance. We may expect the Ethiopian to change his skin, the leopard its spots, but we can never expect an Englishman to forget his self-interest in a fit of magnanimity. We shall not be doing good to this country to be led away by such considerations.

Sir, there are two reasons advanced by the Government why they could not submit these Agreements to the consideration either of an expert Committee or to the Tariff Board. It is said that there was a great hurry to pass this Resolution on two grounds—one is the announcement of His Majesty's Government to enforce the Import Duties Act by a certain date, and the other is, the power given under this Report to get out by giving six months' notice. These two grounds . . .

**The Honourable Sir Joseph Bhoré:** May I correct my Honourable friend? I do not know whether he is referring to me, but I never said so. In fact, I made it perfectly clear that by reason of the fact that our Delegation has signed the Agreement, the 15th November had ceased to be a crucial date.

**Mr. B. Sitaramaraju:** I thank the Honourable Member, and I accept his correction that it is not a crucial date. We are being terrified with the operation of the Import Duties Act and also being assured that we

will not be doing lasting injury if we accept this Agreement, because there is a clause in it which would enable us to get out of the obligation by giving six months' notice if we want to get out. With regard to the six months' notice, of which so much has been made, I would like to say this. This is a trade agreement. It is not a fancy dress ball where we can get in and get out according to our will and pleasure. If we want to repudiate this Agreement, it must be by an Act. And how is that Act passed? A Bill must be passed by this House, and then it must go before the Council of State, and through the bottle neck of the Council of State it must pass. We know the composition of the Council of State. Then, the Bill has to receive the assent of His Excellency the Governor General, and lastly, there are of course the powers reserved to the Crown under the constitution. If there is anybody in this House who so far forgets himself as to think that the six months' notice is such an easy way by which we can get in and get out according to our will and pleasure, he is sadly mistaken. There is also another aspect. References have been made to the freedom we may get under the new constitution. I ask, is there any gentleman in this House who believes that the Conservative majority in the House of Commons will give us a constitution which will be of any use to us, and if some of my friends who think that by accepting these Agreements we will get freedom, let them be satisfied; but I for one am very pessimistic and do not hope to get a constitution worth having from the Conservatives. If by a miracle the Conservatives in England were to give us a constitution which we require, as this is a trade agreement, it cannot assure us to provide when we want to give the six months' notice, the same conditions which prevail at the time when we enter into this Agreement, because in the meantime trade would be dislocated the finances would be upset, and we do not know what changes will be on our budgetary position. There is also the question of retaliation by the foreign countries. Sir, either we have monopolies or we have no monopolies. The report says that except in jute we have no monopolies, and there is danger of other countries coming and competing with us even in that by substitutes. If we have monopolies, where is the hurry for us to enter into an Agreement with England? We need not fear England at all. If we have no monopolies, then surely we must fear retaliation from foreign countries.

The other question is the question of the Import Duties Act, and the announcement of His Majesty's Government that they are going to apply this Import Duties Act by the 15th November if no satisfactory agreements are forthcoming. Although the Government of India may have said in the person of Sir Joseph Bhore, the Commerce Member, that that is not a crucial question, that is exactly what frightened the Indian Delegation to come to this Agreement, because they were saying that on account of the announcement of His Majesty's Government that they would put the Import Duties Act into effect . . . .

**The Honourable Sir Joseph Bhore:** If my Honourable friend would permit me, may I say that there is this difference. Before the Agreement was concluded, the 15th November was a definitely crucial date so far as we were concerned. After the Agreement was concluded, it ceased to be a crucial date.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Then you can wait.

**Mr. B. Sitaramaraju:** Then the only case they have got is the threat of the Import Duties Act, and that is the only thing which frightened the Indian Delegation to surrender practically everything and to grant preferences indiscriminately on almost all British imports. Even the attitude of the British Delegation in refusing to accommodate the Indian Delegation with regard to cotton and hemp did not open their eyes to the real character of the negotiations that they were having with His Majesty's Government. If, as the Honourable Member in charge says, that is no a crucial point now, have the Government of India asked His Majesty's Government that the date may be definitely postponed, pending reference of the matter to the Legislature on behalf of the people of this country, since they have been acting so far only as representatives of the Government of India?

There are one or two things which were said by the Indian Delegation to be the factors which guided them in their deliberations. They say that it was no longer a question of what India stood to gain, but what she stood to lose on account of the Import Duties Act and, consequently they lay down a test. They say:

"The only test by which the value of a particular agreement can be judged is the extent to which it results in an increase in the export trade of the countries concerned or in the retention of trade which would otherwise have been diminished or altogether lost."

It avoids the Fiscal Commission's report and its findings on the question of Imperial Preference by pitching down the question of preference from one of positive gain to a mere avoidance of loss and then giving a rule that the value of these Agreements can only be decided by the increase in exports or by the avoidance of losses. To put their report to their own test, the effect is this. Take the question of increase of exports. An examination of the imports and exports between India and the United Kingdom for a number of years would show that the trade relations with the United Kingdom appear to be for years now the same and that it is not possible to find in the United Kingdom anything in the way of expansion of a substantial character. The intake in the United Kingdom is not sufficiently large, and, therefore, we must come to the inevitable conclusion that the scope afforded in England for our exports is not large. Again, the Indian Delegation, in assessing the loss, have taken into consideration only one factor, and that was the trade relations between India and Great Britain. They have not given consideration to our trade relations with the other countries of the world. Therefore, in order to assess the loss properly, we have no evidence to show how our trade relations with the foreign countries will be affected, and it must be realised that after all it is the foreign countries who take more of our exports than the United Kingdom. Then, again, supposing we are able to divert the trade from those foreign countries to Great Britain or diminish the imports from the foreign countries, we have to consider it from this point of view. If we diminish or divert those imports from the foreign countries you must remember that the purchasing power of those foreign countries would be considerably lessened and then we will be very much handicapped when it comes to a question of our export trade, as they reduce their purchases or are incapacitated to take our exports altogether. Thus we lose.

I have spoken about retaliation already. The fourth consideration is the statement made by the Honourable the Commerce Member that 1

countries have entered into an agreement or are ready to enter into an agreement with the United Kingdom on account of these Agreements. There is nothing very surprising in that. On the other hand, there is a danger there. Mr. Stanley Baldwin has been saying that with these Agreements in their pockets they could negotiate with foreign countries for advantages. The members of the Indian Delegation did not see what possible effect that would have on India, and they have entered into these Agreements blindly. Again, we have to consider the effect on our budgetary position. It is not possible for me in a debate like this to go into details, but I would ask the Members of this House to read the Fiscal Commission's report on Imperial Preference, where they have laid down clearly the economic principles which have to guide our deliberations in this matter and how we ought to assess the gains and losses on account of any preference or reciprocal arrangements. The conditions which prevailed during the time when the Fiscal Commission sat were similar to the conditions which prevailed when Lord Curzon was administering the country. In fact they approved Lord Curzon's view of Imperial Preference and its possible effect on India, and today we find that the conditions, so far as these conclusions are concerned, are not materially different from those which prevailed at the time when the Fiscal Commission sat, broadly speaking.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member will have to conclude in five minutes.

**Mr. B. Sitaramaraju:** Therefore when we consider the revenue aspect, we have to consider whether we have to pay as a consumer. If we need not have to pay as a consumer, then we must have to pay as a tax-payer, for, after all, customs revenue is our mainstay. How is that customs revenue to be safeguarded under these preferences? Our main trouble at the present time is not want of expansion. Our main trouble is the fall in the commodity prices of agricultural produce and these preferences will not help us to raise those commodity prices. Taking all these things into consideration and the admission in the statement made by Sir Joseph Bore, that no accurate profit and loss account or balance sheet can be struck even approximately and, taking into consideration the fact that several Indian economists and other experts who have gone into this question and who have been issuing voluminous records disproving and denouncing this Agreement entered into by this Delegation and proving that these agreements are not in the best interests of India, I think I have made a very good case that the whole matter should be enquired into by an impartial and expert body like the Tariff Board. Further, the Indian economists and experts who have gone into this matter have differed from the Delegation both as regards statistics and methods of approach and that makes a good deal of difference when we come to assess the profit and loss account under this Agreement. To take a few of the remarks made on some commodities, so far as tea is concerned, we need not fear, because England would take good care that she should not injure her own nationals. Referring to the large number of people who are serving as coolies in these tea plantations, coming as I do from the Vizagapatam district and knowing the conditions of labour prevailing there, I do not think it is a great calamity for India to suffer for want of that employment, but, I am sure, England would not injure her own nationals

[Mr. B. Sitaramaraju.]

As regards jute, it was said that it was a monopoly and as regards the eight crores loss by non-acceptance, in the British market, that trade can be diverted to markets outside the British markets. It will certainly find a place in the markets of foreign countries. I am sure, the Tariff Board will satisfy the Honourable Member for Commerce how the eight crores can be diverted. As regards the three questions which were raised by Sir Joseph Bhole, I would like to answer for him.

*Question 1.*—Why the delegation went to Ottawa?—They went because the Government of Great Britain wanted them to go.

*Question 2.*—What did they give and get?—Nobody knew.

*Question 3.*—Why they have to accept the Agreements?—Because the Conservative majority would have it so.

\***Mr. S. G. Jog** (Berar Representative): I had given an amendment which was substantially the same as that given by my esteemed friend Dr. Ziauddin Ahmad, who is a student of mathematics. There was a slight addition to the amendment which was ultimately adopted by him and I am glad to find that he has scored a victory on me and I was not in a position to move my amendment as my own.

To start with, I would like to say, I would reserve my remarks on the political nature of the measure that is being introduced here. I for one would like to divorce politics from this measure and consider it on its own merits and demerits. Before doing so, I would like to charge the Member in charge of this Resolution with the offence of rash driving. The idea or the policy of free trade which has been in vogue in England for so many centuries is now attempted to be changed and, in England, economists have given great thought to this question and from free trade to protection, from protection to discriminating protection and, after that, the import duties and they have now reached this stage. Probably in England they had ample opportunity of discussing these questions which were before the country for a long time. They have given their consideration to these questions since 1901 and probably the last result was the introduction of the Import Duties Act. Let us consider the position of India. India has all along been playing a subordinate part to British Government in all matters, political as well as fiscal. It is extremely doubtful whether India has got the right to determine her fiscal policy as she likes and, when it was decided to enter into these Agreements, the question was never discussed on the floor of this House and it was all of a sudden given out on the floor of the House to send a few nominated people who fortunately are Members of the House. I should have really criticised their representative character. One of them is a member of our party and is a student of economics of some name and fame. Whatever that may be, he was simply nominated and not elected by this House. But he was simply a nominated representative and he was not elected by this House. That takes away a good deal from the representative character of my Honourable friend, and howsoever eminent he may be, his opinions are open to grave doubt and we have every right to question them. With due respect to him, then, there is that anomaly in his

position, namely, his going there as the nominee of the Government and not as a representative of this House. Now, what would he have done if he had gone there as the chosen representative of this House? I leave that to my friends to imagine. I doubt very much whether he would have supported this Agreement or would have used the same arguments as he has now done. However, that is a matter of guess and conjecture, and I have no mind to dilate upon that point any more.

Then, this House is now called upon to pass a verdict upon this Agreement which has been reached. The correspondence, I should say only a partial correspondence, was released for publication only a short time ago. Now we received what is called the Trade Agreement only about 20 days ago. It contains so many Schedules and the note written by the Delegates and all these things which are so full of figures; therefore, naturally you expect people to go through them and to study them, and only in that case alone can they come to a conclusion. I am quite a layman in this respect. I am neither an economist nor an industrialist, but, at the same time, I would like to understand what the real position is. The Honourable Member in charge of the Resolution has himself said that he is not an experienced man in this matter. He can neither judge the consequences of this Agreement in pounds, shillings and pence nor come to an accurate decision as to what the actual result would be. He himself has said that it is a sort of experiment, and he wants to make this experiment or rather thrust it on this House and he wants us to come to a quick and final judgment within two or three days without giving us the opportunity of consulting or having negotiations or conferences with interests that may be affected by this Trade Agreement. It is not one item or commodity that we are dealing with: several commodities we are dealing with, several interests will be affected one way or the other, and yet he wants this House to give a hasty decision on this insufficient material. The arguments advanced have been questioned by equally important students of economics as well as by industrialists. The whole matter, I submit, has to be threshed out by all the interests affected, before this House can be called upon to pass a verdict on such an important issue. You cannot ask this House to take a leap in the dark. Let them consult the best economists of India or any other persons in whom they may have confidence, and let their views be formulated on the results of this Conference. That will then give us some idea as to how we should act before we can pass a verdict upon this thing and before we saddie the whole of India with this financial burden. It is very difficult to say whether this Agreement will end in a gain or in a loss to India. The Honourable Member in charge has simply said that after all it is a guess. I quite admit that there are difficulties in the way, but does it mean that the House should not satisfy itself by a thorough and searching inquiry and a close scrutiny before it passes a final verdict on this important issue? The subject no doubt has attracted the attention of economists of some fame and even they say—I am reading from this pamphlet which I think everybody has got:

"An attempt has been made in this pamphlet to explain in simple language the fruits of such study. It is not pretended that a more intensive study is not possible. In fact it is possible and required. If such an intensive inquiry into the effects of the Agreement on each article of trade can be made by those interested in the same, we shall be in a better position to realize the implications of the Agreement. \* \* \*"

[Mr. S. G. Jog.]

Even these schools of economics find themselves in a difficulty in coming to an accurate conclusion as regards the effects, the probable effects of this Agreement. Now, there are very few people amongst us who are students of economics, and they can be counted on one finger's ends and the rest or many of them are laymen like myself. I myself want to be convinced as to the efficacy of the Agreement and so far I have kept an open mind as to how I should vote. I am trying to understand these things for the last eight or ten days, but I have not been able to come to any conclusion. My principal difficulty is that the whole thing is so puzzling. (*An Honourable Member*: "Have you made any head or tail of it?") I am trying my best, but I am afraid the more I read, the more puzzled do I get. (Laughter.) There is a strong desire felt in the House generally to understand the problem and to come to an intelligent conclusion and to give an intelligent verdict. So, instead of rushing through this Resolution, I would earnestly request that some thorough and searching inquiry should be made which will give us some idea as to what the final verdict should be. With these words, I would strongly recommend the amendment moved by Dr. Ziauddin Ahmad and I lend him my entire support and would earnestly request the House also to support him.

The Assembly then adjourned till Eleven of the Clock on Tuesday the 8th November, 1932.







## LEGISLATIVE ASSEMBLY.

*Tuesday, 8th November, 1932.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

### QUESTIONS AND ANSWERS.

#### DISCHARGE AND RE-INSTATEMENT OF CERTAIN PERSONS OF THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

942. \*Mr. Nabakumar Sing Dudhoria: (a) Will Government be pleased to state whether it is a fact:

- (i) that recruits who had passed Appendix 'B' in the East Indian Railway Accounts Department were discharged with effect from July, 1932;
- (ii) that they were re-instated after a month in accordance with the orders of the Controller of Railway Accounts; and
- (iii) that the order of re-instatement was subsequently cancelled and that they were treated as re-appointed?

(b) Are Government aware that the discharge of these men who had passed Appendix 'B' was purely due to misapprehension and they were recalled before the expiry of a leave due to them?

(c) If so, do Government propose to reaffirm their re-instatement and treat the period of their unemployment as special casual leave? If not, why not?

Mr. P. R. Rau: (a) (i) and (ii). Yes.

(iii) No. The men were considered as on leave, and their service was treated as continuous with their previous service.

(b) Yes.

(c) Does not arise in view of the reply to part (a) (iii).

#### RETIREMENT IN THE RAILWAY ACCOUNTS DEPARTMENT.

943. \*Mr. Nabakumar Sing Dudhoria: (a) Is it a fact that the recruitment in the Railway Accounts Department is done through the channel of an All-India competitive examination as prescribed in Appendix 'B' of the Financial Commissioner of Railways' Memorandum No. 5565-F., dated 31st July, 1929, unlike the system in vogue in the executive departments under the control of the Agent, East Indian Railway?

(b) If so, is it a fact that the length of service is the sole deciding factor in the matter of discharge in the Railway Accounts Department? If so, why?

(c) Is it a fact that an employee may be *senior*, in accordance with departmental rules, to others who have longer service at their credit?

(d) If so, do Government propose to issue instructions to the effect that future block retrenchments in the Railway Accounts Department should begin from the *junior-most* irrespective of length of service?

**Mr. P. R. Rau:** (a) Yes.

(b) During the present retrenchment, it was decided by the Government of India to accept the recommendation of the Railway Court of Enquiry that the length of service principle should be the sole criterion. Consequently, except in the case of such temporary employees as were engaged for purely temporary purposes whose service would be terminated in the ordinary course on the cessation of the work on which they were employed, and temporary employees appointed on or after the 1st January, 1929, who were appointed on the definite understanding that they were employed on a purely temporary basis, pending recruitment of permanent staff under rules, retrenchments have been made on the basis of short service.

(c) Yes.

(d) The question of the rules to be adopted in respect of future block retrenchments will be considered if and when the necessity arises for such retrenchments.

#### RETRENCHMENT IN THE RAILWAY ACCOUNTS DEPARTMENT.

944. **\*Mr. Nabakumar Sing Dudhoria:** (a) Is it a fact that permanent employees entertained against permanent vacancies, which have not been declared as superfluous, cannot be treated as surplus so long as there are temporary men of the same category available?

(b) Is it a fact that permanent men in the East Indian Railway Accounts Department were discharged during the recent retrenchment campaign although there were temporary men available in the same category?

(c) Is it a fact that permanent employees in all other Government Departments are not discharged retaining the services of temporary men, except on the grounds of inefficiency, misbehaviour or superannuation?

(d) Do Government propose to review their decision in the matter? If not, why?

**Mr. P. R. Rau:** (a) and (c). I would refer the Honourable Member to the reply to question No. 943 in which I have explained the procedure laid down for retrenchment in the Railway Department.

(b) I understand that the permanent men who were served with notice of discharge in preference to temporary men have been taken back.

(d) Government do not propose to reconsider, in connection with the present retrenchment, the principle of discharge according to the shortness of service which, as already explained, they have adopted according to the recommendations of the Railway Court of Enquiry.

**RECRUITMENT OF QUALIFIED CLERKS AS ACCOUNTANTS, ETC., IN THE RAILWAY ACCOUNTS DEPARTMENT.**

945. \***Mr. Nabakumar Sing Dudhoria:** (a) Is it a fact that 50 per cent of the posts in the grade of Sub-heads in the Railway Accounts Department is to be reserved for qualified clerks who have passed the Appendix 'D' or 'E' or Part II of the Subordinate Railway Accounts Service Examination?

(b) Do Government propose to issue orders for giving the first chance for promotion to the above class of qualified clerks in the grade of Class I or Class II clerks, pending occurrence of vacancies in the grade of Sub-heads or Accountants?

**Mr. P. R. Rau:** (a) Yes.

(b) No. Government consider that the interests of those so qualified are amply protected. Besides 50 per cent. of sub-head's vacancies being reserved for them, they are granted enhanced rates of yearly increments of pay while they remain in the clerical grades.

The rules for promotion in the clerical grades lay down that subject to satisfactory work, promotion to Class II is not dependent on the passing of any departmental examination while promotion to Class I depends only on passing (Appendix C) examination.

**APPLICATION OF THE NEW STATE RAILWAY LEAVE RULES TO THE ACCOUNTS STAFF.**

946. \***Mr. Nabakumar Sing Dudhoria:** (a) Is it a fact that the new State Railway leave rules have been made applicable to Accounts staff confirmed from a date prior to the introduction of those leave rules?

(b) Is it also a fact that the employees referred to above were not required to give any declaration that they would come under the new rules on their introduction?

(c) If so, do Government propose to give the option of remaining under the old set of leave rules to the class of staff referred to above?

**Mr. P. R. Rau:** (a), (b) and (c). On the 5th September, 1928, the Railway Board issued a Circular to the effect that all subordinate staff, who may be recruited on or after the 1st September, 1928, should be required to sign a declaration that when the New Leave Rules for Railway Establishments, which were then under consideration, are promulgated, they would be liable to be brought under their operation. The Leave Rules were published on the 20th February, 1930. The required declaration could not be obtained from the staff in some of the Accounts Offices and the question of allowing such staff the option to remain under the old leave rules is under the consideration of Government.

†947.\*

†948.\*

†This question was not answered as the Honourable Member (Lieut.-Colonel Sir Henry Gidney) has since resigned.

**PASS RULES OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

949. \***Mr. K. P. Thampan:** (a) Will Government be pleased to state if it is a fact:

- (i) that according to rule 67 (b) of the pass rules of the Madras and Southern Mahratta Railway, lady typists are entitled only to second class pass irrespective of their pay;
- (ii) that a lady typist in the service of Madras and Southern Mahratta Railway by name Miss K. Schembry was enjoying a second class pass all along;
- (iii) that after the acting Agent of the Madras and Southern Mahratta Railway took charge, he ordered that a first class pass should be given to her;
- (iv) that when a second class pass was issued to her as per rules to enable her to travel from Bangalore to Madras in June, 1932, he altered the second into a first class pass?

(b) Will Government be pleased to state whether a first class pass to a lady typist is admissible under the rules and, if alteration of a second class pass to first class is warranted by the pass rules of the Madras and Southern Mahratta Railway?

**Mr. P. R. Rau:** With your permission, Sir, I propose to reply to questions Nos. 949 and 950 together.

The issue of passes is a matter within the discretion of the Railway Company, and Government do not consider that in the cases, mentioned by the Honourable Member, their intervention is called for.

**PASSES GRANTED TO PERSONS OTHER THAN RAILWAY EMPLOYEES ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

† 950. \***Mr. K. P. Thampan:** (a) Will Government be pleased to state if it is a fact:

- (i) that the Andhra Desa Railway Passengers Association at Chirala helped the Madras and Southern Mahratta Railway Administration through the District Traffic Superintendent of Bezwada in doing publicity in the villages in regard to Pushkaram;
- (ii) that the Association requested the Agent to give a pass in favour of two of its workers to go and assist pilgrims in the Pushkaram festival; and,
- (iii) that the Agent refused to comply with the request as not being admissible under the rules?

(b) Will Government be pleased to lay on the table a list of persons who are not Railway employees but have been granted passes by the Agent of the Madras and Southern Mahratta Railway?

**LOANS ADVANCED BY CERTAIN INSURANCE COMPANIES TO THEIR DIRECTORS.**

951. \***Mr. K. P. Thampan:** (a) Are Government aware that certain insurance companies in this country have advanced large sums as loans to some of their directors and to business concerns in which they are interested with the result that the very solvency of the companies is threatened?

(b) Will Government please state whether, with a view to safeguarding the interests of the policy-holders, they propose to take any immediate action, executive or legislative, to prevent this abuse?

**The Honourable Sir Joseph Bhoré:** (a) Government are aware that certain Insurance Companies in this country have advanced loans of varying amounts to some of their Directors and to business concerns in which the latter are interested, but they cannot say whether the solvency of these Companies is threatened thereby.

(b) Does not arise.

#### REDUCTION IN THE NUMBER OF OFFICERS IN THE GREAT INDIAN PENINSULA RAILWAY.

952. **\*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) if it is a fact that in pursuance of the retrenchment policy the number of gazetted officers in the Great Indian Peninsula Railway was reduced from 245 in 1928-30 to 230 in 1930-31;
- (b) whether their number was further retrenched in 1931-32;
- (c) if the direct effect of the reduction of the 15 officers was an increase in their cost by Rs. 33,638; and
- (d) what the increase would be in the cost of the gazetted officers in the Great Indian Peninsula Railway in 1931-32 over their cost in 1929-30?

**Mr. P. R. Rau:** (a) and (c). No such reduction was made.

(b) The gazetted cadre of the Great Indian Peninsula Railway was reduced in 1931-32.

(d) The number of officers has been decreased and there have been no increases in scales of pay consequently, except for automatic increases due to the time-scales of pay, the cost should decrease rather than increase.

#### ERECTION OF A RICKSHAW SHED NEAR ASSEMBLY CHAMBER, SIMLA.

953. **\*Kunwar Hajee Ismail Ali Khan:** (a) Will Government be pleased to state what arrangements they have made during the Assembly Sessions at Simla to protect the rickshaw coolies from rain and sun, who bring in the Members to the Chamber, and stay on for the return journey?

(b) If the answer to part (a) be in the negative, do Government propose to erect a shed somewhere near the Council House?

**Mr. T. Ryan:** In the unavoidable absence of the Honourable Member in charge of the Department, I wish to answer, with your permission, Sir, the questions for him.

(a) and (b). No special arrangements are made, but the rickshaw coolies, bringing Members to the Legislative Assembly building, may take shelter during wet weather in the shed in the compound of the Industries and Labour Department office building which is close at hand. There is no suitable place near the Assembly building for a special rickshaw shed.

### ERECTION OF A MOTOR SHED NEAR COUNCIL HOUSE, NEW DELHI.

954. \***Kunwar Hajee Ismail Ali Khan:** (a) Is it a fact that there is no shelter for the motor cars of the Members of the Assembly near the Council House, New Delhi, to protect the cars and drivers from rain and sun which cause great inconvenience to the Honourable Members?

(b) If so, do Government propose to erect a motor shed at the parking place to protect the cars and charge reasonable rent from the Members?

**Mr. T. Ryan:** (a) There is so little rain in New Delhi during the winter that it is not thought that the inconvenience mentioned by the Honourable Member can really be very great.

(b) The garages provided for Members of the Legislative Assembly near their quarters in New Delhi are within a short distance of the Council House, and, as most Honourable Members employ drivers, it seems to Government hardly necessary to provide covered motor sheds at the parking place near the Council House. Government are naturally anxious, particularly at the present time, to avoid expenditure on projects which are not absolutely essential.

**Mr. Muhammad Yamin Khan:** Do the Government realise that there can be protection from the rain, but there can be no protection from the sun in the month of March when it is very hot and the drivers of the motor cars burn themselves in the sun the whole day?

**Mr. T. Ryan:** I can undertake, Sir, to have the matter further examined with reference to the observations the Honourable Member has just made.

**Dr. Ziauddin Ahmad:** May I ask, Sir, whether it is not possible to provide sheds all round where the motor cars now stand?

**Mr. T. Ryan:** I think that to provide a shelter which would be in keeping with the neighbouring building would probably be rather expensive. The Honourable Member's suggestion will, however, be considered further.

**Kunwar Hajee Ismail Ali Khan:** Has any recommendation been made by the House Committee on this subject?

**Mr. T. Ryan:** I have not dealt personally with this matter, but I believe there has been some reference to it.

### FREE SUPPLY OF PUBLICATIONS OF THE PROVINCIAL GOVERNMENTS TO THE MEMBERS OF THE CENTRAL LEGISLATURE.

955. \***Kunwar Hajee Ismail Ali Khan:** (a) Are Government aware that the Members of the Central Legislature from Bengal get all the publications of that Government free, *viz.*, the *Calcutta Gazette*, the *Civil List* and their Administration and other Reports, together with the proceedings of the Bengal Council?

(b) If the answer to part (a) be in the affirmative, are Government prepared to issue instructions to other Provincial Governments as well to follow Bengal in the matter of the free supply of their publications to their respective Members of the Central Legislature?

**The Honourable Sir Brojendra Mitter:** (a) The Government of India have no information.

(b) The Government of India are not in a position to issue instructions to the Local Governments on the subject, but a similar request from an Honourable Member of the House was brought to the notice of the Local Governments in 1921.

**CONSOLIDATED ALLOWANCES OF TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.**

956. **\*Kunwar Hajee Ismail Ali Khan:** (a) Will Government be pleased to state why the old ticket collectors utilised in the crew system were not paid a consolidated allowance during station duty?

(b) Is it a fact that in the last days of the system the Railway started giving them the same?

(c) Is it a fact that it has now been ruled by the Agent, East Indian Railway, that those ticket collectors who did not accept crew scales of pay are not eligible for the consolidated allowance?

(d) Was any option given to them to accept the crew scales?

(e) Is it a fact that according to the correspondence embodied in the Secretary to the Agent's docket No. A. E.-2293, dated 20th January, 1931, to the Chief Operating Superintendent, the old ticket collectors on being designated as crewmen and crew incharges were entitled to this consolidated allowance on station duty?

(f) Will Government be pleased to lay on the table a copy of the whole correspondence embodied in the said docket?

(g) Is it a fact that according to the Chief Accounts Officer's minutes, No. E.-36-241/83, dated 22nd December, 1930, and E.-35-241/83, dated 13th January, 1931, the old ticket collectors, whether governed by old Company's rules or new crew rules, were entitled to consolidated allowance whether on the line or on station duty?

**Mr. P. R. Rau:** With your permission, Sir, I reply to questions Nos. 956, 957 and 958 together. I have called for information and will lay a reply on the table, in due course.

**IGNORING THE CLAIMS OF OLD TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

957. **\*Kunwar Hajee Ismail Ali Khan:** (a) Will Government be pleased to state why on the East Indian Railway some of the old Travelling Ticket Inspectors are utilised as Ticket Collectors and many crewmen who never handled excess fare ticket books have been given preference as Travelling Ticket Examiners?

(b) Is it a fact that those Travelling Ticket Inspectors who are now utilised as Ticket Collectors were recommended by the Operating Department for the job of Travelling Ticket Inspectors as acknowledged in reply to question No. 1110 (d) in the Legislative Assembly, dated the 18th March, 1929?

(c) On being reverted back to their own Department, why were they not utilised as Travelling Ticket Examiners?

(d) Will Government be pleased to state how many of the Crew Inspectors with temporary service were utilised as Ticket Collectors on the inauguration of the Moody-Ward system?

+For answer to this question, see answer to question No. 956.



**DISCHARGE AND RE-APPOINTMENT OF SOME TRAVELLING TICKET  
INSPECTORS ON THE EAST INDIAN RAILWAY.**

†958. \***Kunwar Hajee Ismail Ali Khan:** (a) Will Government be pleased to state if it is a fact that on the inauguration of the Moody-Ward system on the East Indian Railway, four old Travelling Ticket Inspectors were given notice of discharge in the Lucknow Division, but that the notice was subsequently cancelled?

(b) What was the cause of the discharge and subsequent cancellation of the same?

(c) On what job and pay have those Travelling Ticket Inspectors now been utilised?

(d) Are there same or different rules concerning the staff on different divisions of the East Indian Railway?

**RECRUITMENT OF MUSLIMS IN THE SIMLA POST OFFICE.**

959. \***Shaikh Fazal Haq Piracha:** (a) Will Government kindly state what was the strength of the permanent Muslim officials in the Simla Post Office in the cadre of lower division clerks, head postmen, postmen, packers and runners before the issue of the Director General's General letter No. Am.-516/12/27?

(b) How many vacancies occurred after the issue of this letter up to this time?

(c) How many of them were given to Muslims, and in what proportion?

(d) If none was given to Muslims, why, and what action do Government propose to take in the matter?

(e) Is it a fact that all the recruiting officers such as Telegraph Inspectors, Inspectors of Post Offices, Accountant and Appointment Clerks and Head Clerk Correspondence have been non-Muslims for the last ten years? If so, what action do Government propose to take to replace them by Muslims to ensure Muslim recruitment in future?

**Mr. T. Ryan:** (a) Seven.

(b) 109.

(c) Three posts were abolished and 11 are vacant. 55 vacancies were filled up by the promotion of departmental officials, of whom one is a Muslim and 54 non-Muslims. The remaining 40 vacancies were filled up by direct recruits, of whom one is a Muslim and 39 are non-Muslims.

(d) Government are enquiring into the matter and will place on the table a report of the action taken, in due course.

(e) There is no Inspector of Post Offices or Telegraph Inspector attached to the Simla Post Office, and none of the remaining officials mentioned in the first part of the question has any power of recruitment. The latter part of the question does not, therefore, arise.

**HEAD CLERKS OF THE OFFICE OF THE POSTMASTER GENERAL, LAHORE.**

960. \***Shaikh Fazal Haq Piracha:** Is it a fact that the Head Clerks of all the branches of the Post Master General's Office, Lahore, are Hindus?

†For answer to this question, see answer to question No. 956.

**Mr. T. Ryan:** Yes, except that the Assistant Manager, Circle Stock Depot, whose status is that of a Head Clerk, is a Muslim and that the appointment of another Muslim to one of the Head Clerks' posts has recently been ordered.

**APPOINTMENT OF MUSLIMS AS HEAD CLERKS, ETC., IN THE OFFICE OF THE POST MASTER GENERAL, LAHORE.**

961. **\*Shalkh Fazal Haq Piracha:** (a) Is it a fact that the Muslim Head Clerk of the Appointment Branch in the Post Master General's Office, Lahore, who worked there less than two years has recently been removed from there in spite of the fact that he had not completed the prescribed period of three years?

(b) Is it a fact that second and third clerks of the Post Master General's Office, Establishment Branch, are non-Muslims?

(c) If the answer to these questions be in the affirmative, what action do Government propose to take to replace them by Muslims?

**Mr. T. Ryan:** (a) and (b). Government have no information.

(c) Head clerkships are selection grade posts and, as has been frequently stated on the floor of this House, appointments to such posts are regulated without reference to communal considerations. As regards the other posts, Government are not prepared to take any action except to see that in direct recruitment to Government service their orders for the protection of the rights of minority communities are properly observed. The Honourable Member's attention is also invited to the reply given by the Honourable Sir James Crerar to Mr. Muhammad Anwar-ul-Azim's starred question No. 340 in the Legislative Assembly on the 16th September, 1931.

**DELAY IN THE DESPATCH OF A NEWSPAPER OF BERAR DUE TO SHORTAGE OF POSTAGE STAMPS IN THE POST OFFICE.**

962. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. S. G. Jog) (a) Is it not a fact that an issue, dated the 2nd August, 1932, of a leading newspaper of Berar named *Udaya*, printed and published at Amraoti, could not be despatched on account of shortage of postage stamps in the post office?

(b) If so, will Government state whether such contingencies occur in other branches of post offices?

(c) Do Government propose to get over such difficulty by empowering the Post Master to take cash and despatch the issue?

(d) If not, are Government prepared to enquire into the matter with a view to finding out some other remedy to get over such difficulty?

**Mr. T. Ryan:** (a) Yes.

(b) No

(c) and (d). The Post Office rules prescribe that the postmaster is responsible for maintaining a sufficient stock of postage stamps of all kinds for sale to the public. The situation complained of by the Honourable Member was a very exceptional occurrence and Government do not propose to adopt any special measures to meet such exceptional cases, nor do they consider it desirable to empower all post offices to accept cash payment in lieu of postage, as such a course would be open to abuse.

**Mr. K. Ahmed:** Since the time notice of this question was given, has the Department of my Honourable friend taken any steps to give a warning that the postmaster in question should not be negligent like this in future?

**Mr. T. Ryan:** It is so very exceptional an occurrence that special steps hardly seem necessary; but we have taken up the particular case to make certain that no misunderstandings such as led to it shall recur.

#### FUTURE STATUS OF BERAR IN THE NEW CONSTITUTION.

963. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. S. G. Jog): (a) Are Government prepared to make any statement now as to the future status of Berar in the new constitution?

(b) If not, when do Government propose to make a statement on the above matter?

**Mr. H. A. F. Metcalfe:** (a) No, Sir.

(b) The Honourable Member's attention is invited to the reply given by Sir Evelyn Howell in this House to a similar question by Mr. Gaya Prasad Singh on the 25th January, 1932. The position has not changed since.

#### ATTENDANCE OF POSTAL OFFICIALS ON SUNDAYS AND GAZETTED HOLIDAYS.

964. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. S. G. Jog): (a) Is it a fact that some departments of the Bombay, Madras, Calcutta and Rangoon General Post Offices remain closed on Sundays and other postal holidays and clerks attached to those departments are not required to work on Sundays or postal holidays while clerks working in other departments are required to work on Sundays and Post Office holidays?

(b) Is it a fact that clerks who work in no-delivery sub-offices in Bombay, Madras, Calcutta and Rangoon are similarly exempted from attending office on Sundays and postal holidays, while clerks working in delivery post offices are required to attend office on Sundays and postal holidays?

(c) Will Government please state why the clerks working in the same department are treated in different ways, why a section of clerks enjoy all holidays while others have to attend office?

(d) Do Government propose to order the clerks who now enjoy all holidays to attend office on some holidays in order to give some more relaxation to those who are now required to attend office on holidays? If not, why not?

**Mr. T. Ryan:** (a) and (b). The facts are substantially as stated.

(c) and (d). Work on Sundays and holidays is recognised as a condition of service in the Postal Department; but in order to minimise the disability, instructions have been issued that a rotation of duties should be arranged, as far as the exigencies of the service permit, among the whole staff of an office, so that the turn for any individual to work on Sundays and holidays may recur as seldom as possible.

PERIODICAL TRANSFER OF CERTAIN POSTAL OFFICIALS.

965. \***Dr. Ziauddin Ahmad** (on behalf of Mr. S. G. Jog): (a) Is it a fact that clerks attached to the Appointment Branch of the Bombay, Madras Calcutta and Rangoon General Post Offices are working for many years in that particular department while other clerks are transferred frequently?

(b) Is it a fact that under orders of the Director General, Head Clerks of the Appointment Section are transferred after three years? If so, why are other clerks not similarly transferred?

**Mr. T. Ryan:** (a) Government have no information: the matter is within the competence of the Postmasters-General concerned.

(b) The reply to the first part is in the affirmative. As regards the second part, Government do not consider that the periodical transfer of the whole clerical staff of a Section is either necessary or desirable in view of the confusion and dislocation of work which would result.

MIGRATION OF SOME RESIDENTS OF THE ALWAR STATE TO BRITISH INDIA.

966. \***Mr. M. Maswood Ahmad:** (a) Are Government aware that some residents of Alwar State have migrated to British India?

(b) Have Government enquired as to how many persons have so migrated, and why? How many of them have come to Delhi?

(c) Are Government aware that these emigrants from Alwar are staying in a maidan to the west of the Juma Masjid, Delhi? Will Government please state their number?

(d) Are all these emigrants Muslims or do they belong to any other community also?

(e) Are Government aware of the arrangements for their boarding and lodging?

(f) Have Government rendered any kind of help to them?

(g) Are Government in a position to state whether these persons have come to settle permanently or temporarily in British India?

(h) Have Government entered into any correspondence with the Alwar State on this matter?

(i) How many persons, to the knowledge of the Government, have gone back to Alwar and how many are still in British India?

**Mr. H. A. F. Metcalfe:** (a) Yes.

(b) Government have no accurate information.

(c) Yes. Their number alters from time to time, but at one period there were perhaps eighty to a hundred.

(d) It is believed that they are all Muslims.

(e) Government have no accurate information.

(f) No.

- (g) No.
- (h) Yes.
- (i) The information is not available.

**Mr. M. Maswood Ahmad:** Have Government seen the book called "Alwarnama" printed at *Alaman* Press and compiled by Abdul Akhtar Khizary and published by Hakim Mohamad Ishaq, Secretary, Anjuman Khuddame Mahajirins, Alwar?

**Mr. H. A. F. Metcalfe:** I personally have not seen it and I do not know whether it has been seen by the Government of India.

**Mr. M. Maswood Ahmad:** Do Government propose to see the book, because there are very serious allegations in that book against the Alwar State?

**Mr. H. A. F. Metcalfe:** If the Honourable Member will send me a copy of that book, I will see that it is sent to the Department concerned.

#### MOSQUES AND TEMPLES IN POSSESSION OF GOVERNMENT.

967. **\*Mr. M. Maswood Ahmad:** Will Government kindly state how many (i) mosques and (ii) temples are still in their possession in which religious worship is entirely forbidden?

**Mr. G. S. Bajpai:** Religious worship is not forbidden in any of the mosques and temples belonging either to Government or to private persons or bodies, which are protected under the Ancient Monuments Preservation Act, 1904 (VII of 1904) and maintained from Central revenues.

**Mr. M. Maswood Ahmad:** Are Government aware that a mosque named Nawab Khan Jahan Mosque near Qutab Road, Delhi, has been converted into a hospital under the Municipal Committee and many such mosques and temples are unjustly and improperly used by Government and by local bodies?

**Mr. G. S. Bajpai:** Government are not keeping information about every mosque in the neighbourhood of Delhi. The Honourable Member's question related to mosques protected under the Ancient Monuments Preservation Act and my reply deals with such mosques.

**Mr. M. Maswood Ahmad:** Do Government propose to consider the desirability of holding an enquiry regarding the number of mosques and temples and other places of worship which are now in possession of Government or of local bodies?

**Mr. G. S. Bajpai:** I am afraid, Sir, that, as I have already stated, it is not possible for Government to take action in regard to all mosques. If there is any particular mosque which is being misused, perhaps the Honourable Member will bring the matter to the notice of the authority concerned.

#### NUMBER OF MUSLIMS ARRESTED AND IMPRISONED UNDER THE ORDINANCES.

968. **\*Mr. M. Maswood Ahmad:** Will Government kindly lay on the table separately the number of Muslims arrested and imprisoned under the different Ordinances up-to-date in various provinces?

**The Honourable Mr. H. G. Haig:** The information is not available and I do not feel justified in putting Local Governments to the labour of collecting it.

**AHRAR PRISONERS CONVICTED IN CONNECTION WITH KASHMIR MOVEMENT.**

969. **\*Mr. M. Maswood Ahmad:** (a) How many Ahrars who were convicted in connection with the Kashmir movement are still in jail?

(b) Will the cost of these prisoners be paid by the Government of India or the Provincial Government?

**The Honourable Mr. H. G. Haig:** (a) 56.

(b) The matter is under consideration.

**Dr. Ziauddin Ahmad:** Is it not a fact that the reasons for which they were put in jail no longer exist and is it not, therefore, desirable to release them now and give them amnesty?

**The Honourable Mr. H. G. Haig:** I understand that a great majority of the prisoners who were imprisoned in connection with the movement have already been released.

**Dr. Ziauddin Ahmad:** I understood the Honourable Member to say that there were still 56 prisoners. Can it not be applied to them?

**The Honourable Mr. H. G. Haig:** One cannot accept the principle that a person imprisoned in connection with a certain movement must always be released the moment that movement comes to an end.

**Dr. Ziauddin Ahmad:** Is it not a fact that that movement has come to an end and, therefore, they may be released now?

**The Honourable Mr. H. G. Haig:** I understand that it has come to an end.

**PARCEL CLERKS ON THE NORTH WESTERN RAILWAY.**

970. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that there are four classes of parcel clerks on the North-Western Railway?

(b) Is it a fact that there are three superior posts for parcel clerks, i.e., two at Delhi and one at Lahore?

(c) Will Government please state the number of different communities in the superior posts of parcel clerks?

(d) What is the pay of the present parcel clerks in superior posts?

**Mr. P. R. Rau:** With your permission, Sir, I shall reply to this and the next question together.

I am obtaining certain information from the Agent, North-Western Railway, and will lay a reply on the table in due course.

**PROMOTION OF MUSLIMS TO CLASS "D" OF PARCEL CLERKS ON THE  
NORTH WESTERN RAILWAY.**

+971. \***Mr. M. Maswood Ahmad:** (a) What are the scales of pay for the different classes of the parcel clerks in the North-Western Railway?

(b) Is it a fact that there is not a single Muslim in class D of the parcel clerks in all the seven divisions of the North-Western Railway?

(c) Is it a fact that promotion from class C to D is not based on any competitive examination, rather it depends on the officer's choice?

(d) Are Government prepared to consider the advisability of issuing instructions to the effect that Muslims may be promoted to class D and to superior posts of parcel clerks?

**RESIGNATION OF MEMBERS AND OFFICE-BEARERS OF THE WORKS  
COMMITTEE, GOVERNMENT OF INDIA PRESS, NEW DELHI.**

972. \***Mr. M. Maswood Ahmad:** Has the attention of Government been drawn to a statement published in the *Alaman* of Delhi, dated the 5th August, 1932, regarding the resignation of the members and office-bearers of the Works Committee of the Government of India Press, New Delhi, on account of certain grievances and injustice done to them? If so, what action has been taken to remove those grievances?

**Mr. T. Ryan:** Yes. An enquiry has been made and Government have been informed by the Controller of Printing and Stationery that there is no basis for the suggestion made in the newspaper report that the cause of the resignation of the members of the Works Committee was unjust treatment by the executive officers of the Press. The resignations have since been withdrawn.

**APPOINTMENT OF MUSLIM PEONS IN THE GOVERNMENT OF INDIA PRESS,  
NEW DELHI.**

973. \***Mr. M. Maswood Ahmad:** What is the permanent strength of peons in the Government of India Press, New Delhi, and how many of them are Muslims? If none, what steps do Government propose to take to make up the deficiency?

**Mr. T. Ryan:** The strength is nine; none of the permanent peons is a Muslim. No appointments are contemplated at present as there are no vacancies.

**APPOINTMENT OF MUSLIM CLERKS IN THE GOVERNMENT OF INDIA PRESS,  
NEW DELHI.**

974. \***Mr. M. Maswood Ahmad:** Will Government please state whether there has been any increase in the percentage of the permanent Muslim clerks of the Government of India Press, New Delhi, since 1929, and during this period how many vacancies fell vacant and how many were filled by Muslims? What action do Government propose to take in order to increase the percentage of Muslims in the permanent cadre of the Press?

**Mr. T. Ryan:** There has been no increase in the percentage of the permanent Muslim clerks in the Government of India Press, New Delhi,

since 1929. There have been three vacancies since 1929, all of which were given to non-Muslims. I may explain that no direct recruitment is made to the permanent clerical establishment of this Press. There are a number of men in the temporary and fluctuating clerical establishment of the Press and vacancies in the permanent establishment have hitherto been given to the most deserving men in the temporary and fluctuating establishment, irrespective of the communities to which they belong. The question of applying the orders regarding minority representation to transfers from the temporary to the permanent establishment is being examined.

**COMMUNAL COMPOSITION OF THE CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.**

**975. \*Mr. M. Maswood Ahmad:** Will Government be pleased to lay on the table a statement showing the number of permanent incumbents of each community holding different grades in the clerical establishment of the Government of India Press, New Delhi?

**Mr. T. Ryan:** A statement furnishing the required information is laid on the table.

*Statement showing the number of permanent incumbents of each community holding different grades in the Clerical Establishment of the Government of India Press, New Delhi.*

Appointment or grade.	Hindus.	Muslims.	Sikhs.	Christians.	Total.
Head Assistant . . .	1	..	..	..	1
Accountant and Cashier .	1	..	..	..	1
General Store Keeper . .	1	..	..	..	1
Head Computer . . .	1	..	..	..	1
Assistants . . . . .	3	..	..	..	3
Upper scale Clerks and Computers . . . . .	10	2	..	..	12
Lower scale Clerks and Computers . . . . .	11	5	1	1	18
Carotaker and Transit Clerk .	1	..	..	..	1

**APPOINTMENT OF MEMBERS OF MINORITY COMMUNITIES IN THE CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI,**

**976. \*Mr. M. Maswood Ahmad:** Is it a fact that all higher posts in the clerical establishment of the Government of India Press, New Delhi, are held by non-Muslims? If so, do Government propose to give effect to their declared policy of avoiding the preponderance of any one community or class in the services?

**Mr. T. Ryan:** There are no Muslims in any clerical post in the Press higher than that of upper scale clerks and computers. These higher clerical posts are usually filled by promotion, and promotions from one grade to another are not made with reference to communal considerations.



**MEDICAL LEAVE GRANTED TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.**

977. \***Mr. M. Maswood Ahmad:** Will Government be pleased to furnish a statement regarding the period of medical leave granted to Muslim and non-Muslim employees of the Government of India Press, New Delhi, for the last two years? How many Muslims and non-Muslims were sent to the Chief Medical Officer, Delhi, for the countersignature of their medical certificates?

**Mr. T. Ryan:** The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information on minor matters relating to such administration, particularly where, as in this case, the compilation of the information desired would entail an amount of time and trouble entirely disproportionate to the value of the result.

**REPLACEMENT OF MUSLIM CLERKS BY LADY CLERKS IN THE QUARTER-MASTER-GENERAL'S BRANCH.**

978. \***Mr. M. Maswood Ahmad:** (a) Will Government kindly state the proportion which the number of permanent Muslim Superintendents, Assistants and clerks in the Quarter-Master General's Branch bears to the total cadre of the above ministerial establishment in that branch?

(b) Is it a fact that last year about ten Muslim clerks working in that office were given notices of discharge from service? If so, what was the reason for giving the notices in question?

(c) Is it also a fact that these notices were withdrawn a few days later and the persons concerned were allowed to re-join their previous posts? If the reply to this be in the affirmative, what were the reasons for withdrawing the notices?

(d) Is it also a fact that a number of these clerks were again discharged from the service a few months later and were replaced by lady clerks?

(e) Will Government state the reasons for this action, and what was the advantage that accrued to the State by this action?

(f) What are the educational and other qualifications of these lady clerks.

(g) Are the lady clerks in question Europeans, Anglo-Indians or Indian Christians?

(h) Why were the Muslim clerks discharged to make room for these lady clerks?

**Mr. G. R. F. Tottenham:** (a) 20 per cent.

(b) and (c). Notices were served on six unqualified temporary clerks, of whom two were Hindus and four Muslims, because it was desired to replace them by qualified candidates. The notices served on the Muslim clerks were subsequently withdrawn, because no qualified Muslim candidates were available to replace them.

(d) and (e). Three of these Muslims were eventually discharged, because the permanent appointments in which they were temporarily employed

were reduced as an economy measure. The fourth was discharged on the return to the Branch of a permanent clerk in whose place he had been employed. They were not replaced by lady clerks.

(f), (g) and (h). Do not arise.

**PAUCITY OF MUSLIMS IN CERTAIN POSTS IN DAIRY FARMS.**

979. \***Mr. M. Maswood Ahmad:** (a) Will Government kindly state the number of (i) managers, (ii) supervisors, (iii) assistant supervisors, (iv) apprentices employed in dairy farms, and (v) clerks employed in dairy farms?

(b) How many of them are Muslims in each category?

(c) Will Government kindly state the reasons for the paucity of Muslims in these posts, and what steps have been taken to increase their number to the proper proportion?

**Mr. G. R. F. Tottenham:** (a) and (b). A statement is laid on the table.

(c) As the Honourable Member is no doubt aware, the orders of Government regarding the redress of communal inequalities refer only to fresh recruitment and have not been in force for a great many years. I can assure the Honourable Member that these orders are strictly observed and since 1930, 11 out of 49 vacancies in the Military Dairy Farms Department have been given to Muslims.

*Statement.*

	Military Dairy Farms Department.			Civil Dairy Farms attached to the Imperial Institute of Agricultural Research, Pusa.	
	Total No.	No. of Muslims.		Total No.	No. of Muslims.
Managers . .	27	..	Superintendents .	2	..
Supervisors . .	29	4	Assistant Superintendent . . .	1	..
Assistant Supervisors	32	3	Supervisors . .	7	1
Apprentices . .	74	9	Clerks . . .	8	..
Clerks . .	93	10			

†1980\*—981.\*

**IMPORT DUTIES COLLECTED ON MOTORS, TYRES, ETC.**

982. \***Sir Leslie Hudson:** Will Government be pleased to state the amount collected in import duties on (a) motor lorries and buses, (b) motor cars, and (c) tyres, for the six months January to June, 1930, 1931 and 1932?

† These questions have already been answered; see pages 1613-14 of L. A. Debates, dated 30th September, 1932.

**The Honourable Sir Alan Parsons:** I lay on the table such information as is contained in the records that are available.

*Estimated amount of duty collected on (1) motor buses and lorries, (2) motor cars, motor cycles, motor scooters and their accessories, and (3) rubber tyres and tubes, during the months January to June 1930, 1931 and 1932.*

Articles.	Duty collected during the months January to June.		
	1930.	1931.	1932.
	Rs.	Rs.	Rs.
(1) Motor omnibuses, motor vans and motor lorries . . . . .	14,85,254	10,72,106	6,68,256
(2) Motor cars, motor cycles, motor scooters and accessories and parts thereof . . . .	42,31,502	37,66,525	24,22,559
(3) Pneumatic rubber tyres and tubes for motor cars, motor lorries, motor cycles and motor scooters . . . . .	16,94,264	16,57,931	16,78,186

#### UTILISATION OF THE PETROL TAX ON THE DEVELOPMENT OF ROADS.

983. **\*Sir Leslie Hudson:** (a) Are Government aware that for the period since the two-anna petrol tax was introduced up to the 30th September, 1931, Rs. 233½ lakhs have been collected, of which Rs. 170 lakhs have been distributed with respect to Revenue up to the 30th September, 1930, but only Rs. 42½ lakhs were reported to have actually been spent up to the 30th September, 1931?

(b) If so, what action, if any, have Government taken to press Provincial Governments to expedite the expenditure of these funds on those schemes for which the Central Standing Committee for Roads have authorised the grants?

(c) If not, have Government considered the question of taking action and also of recommending that the Standing Committee for Roads refuse further grants to those Provinces who are dilatory in pushing forward road development schemes and the question of distributing such amounts amongst those provinces which show an active interest in road development?

(d) If legislation is required to make this possible, are Government prepared to take the necessary action?

**Mr. T. Ryan:** (a) Yes, except that the expenditure reported up to the 30th September, 1931, is Rs. 43.42 lakhs and not Rs. 42½ lakhs, as assumed by the Honourable Member.

(b) Government have not taken any action to press Provincial Governments to expedite expenditure.

(c) and (d). No. Such action would not be in accordance with the Resolution on the subject adopted by this House and by the Council of State. In this connection I may explain that the road development

account was intended to supplement previous road building activities and to enable new works beyond the scope of the then existing schemes and programmes of development to be financed. The financial depression and the consequent inevitable curtailment of existing provincial programmes have caused a certain amount of dislocation and re-arrangement to which the slowness of expenditure in certain cases can be attributed. There has, however, been marked progress in expenditure in the Provinces since September, 1931, and I may mention that excluding Rs. 28·70 lakhs sanctioned as loans from the fund the Provinces had spent, by the end of June, 1932, a total sum of Rs. 82·24 lakhs from sums allotted to them from the Road Development Account.

**Sir Leslie Hudson:** The tax was previously eight annas of which two annas went to the Road Fund. Twelve months ago, a surcharge of 25 per cent. on this eight annas was imposed. May I know if the proportion of the surcharge relating to two annas is being credited to the Road Fund now?

**The Honourable Sir Alan Parsons:** I shall have to verify the point before I can give a reply to the Honourable Member. I will lay a statement containing the information on the table in due course.

#### TERMS OF CONTRACT WITH THE BENGAL AND NORTH WESTERN RAILWAY.

1984. **\*Dr. Ziauddin Ahmad:** Will Government lay on the table the final contract with the Bengal and North Western Railway? Did the contract include any provision for maintaining the equipment and administration in an efficient manner?

**Mr. P. R. Rau:** The final contract is still, I believe, under preparation.

#### TERMS OF CONTRACT WITH THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1985. **\*Dr. Ziauddin Ahmad:** What are the terms of the contract between Government and the Shahdara-Saharanpur Light Railway running between Shahdara and Saharanpur? When will the contract expire? Did Government renew the contract recently?

**Mr. P. R. Rau:** I would refer the Honourable Member to page 229 of the History of Indian Railways, a copy of which is in the Library. The contract can be terminated on the 18th April, 1934.

The United Provinces Government did not exercise their option of terminating the contract seven years earlier.

**Dr. Ziauddin Ahmad:** Is it necessary in this case to give one year's notice?

**Mr. P. R. Rau:** I believe so.

**Dr. Ziauddin Ahmad:** What is the last date for giving notice?

**Mr. P. R. Rau:** I believe somewhere in April, 1933.

**Dr. Ziauddin Ahmad:** Are Government contemplating to give notice?

**Mr. P. R. Rau:** It is the United Provinces Government that can give notice,

**ABSENCE OF WATER CLOSETS, ETC., IN THE THIRD CLASS CARRIAGES OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

986. **\*Dr. Ziauddin Ahmad:** (a) Are Government aware that water closets are not provided in third class carriages in Shahdara-Saharanpur Light Railway? Are not passengers harassed and charged if they use inter class water closets?

(b) Are Government aware that passengers are kept waiting for an unreasonable time at level crossings? Has any one given notice to recover damages from the Secretary of State for such wrongful detention?

**Mr. P. R. Rau:** (a) I would refer the Honourable Member to the reply I gave to Lala Hari Raj Swarup's question No. 698 on the 23rd September, 1932. Government have no information as regards the latter part of this question,

(b) Government have no information, but I am bringing the Honourable Member's question to the notice of the Managing Agents of the Railway for such action as they consider necessary,

**RATE-WAR AGAINST THE BENGAL BURMAH STEAM NAVIGATION COMPANY.**

987. **\*Dr. Ziauddin Ahmad:** (a) Are Government aware that the British India Steam Navigation Company sent the Bengal Steam Navigation Company to liquidation in 1910 by waging a rate-war and that they are waging a similar rate-war against the Bengal Burmah Steam Navigation Company?

(b) Are Government prepared to use their influence and stop rate-war? Is it not a fact that the British India Steam Navigation Company increased their fares between Chittagong and Rangoon from Rs. 12 to Rs. 14 and reduced it to Rs. 8 as soon as the Bengal Burmah Steam Navigation Company was formed?

(c) Are Government prepared to hand over the mail contract to the Bengal Burmah Steam Navigation Company, which is an Indian Company?

**The Honourable Sir Joseph Bhow:** (a) The Government of India have received a representation from the Bengal Burmah Steam Navigation Company alleging that the British India Steam Navigation Company have been waging a rate-war against them in the passenger carrying trade between Chittagong and Rangoon.

(b) The matter is at present receiving the attention of the Government of India. The Government of India understand that before the Bengal Burmah Steam Navigation Company began to operate, the British India Steam Navigation Company had already reduced the fare for deck passengers between Chittagong and Rangoon, and that thereafter the fare was further reduced to Rs. 6.

(c) It is not understood to which mail contract the Honourable Member is referring. It may, however, be stated that the present contract for the conveyance of mails by the British India Steam Navigation Company over various routes continues until 31st January, 1934, and that the next

contract will be entered into on the result of open competitive tenders. It is, therefore, not possible now to make any definite statement on the subject.

**Mr. K. Ahmed:** What do Government propose and when will they give effect to the Resolution which was passed at the Simla Session in the absence of the Honourable Member? Is the Honourable Member aware that this House unanimously passed the Resolution?

**The Honourable Sir Joseph Bhoré:** I am aware of that fact.

**Mr. K. Ahmed:** What do they propose to do with regard to that Resolution?

**The Honourable Sir Joseph Bhoré:** I think the Honourable Sir C. P. Ramaswami Aiyar made it clear that Government could not give effect to that Resolution.

**Mr. K. Ahmed:** Are Government aware that the same principle should apply as it was fixed at the intervention of Lord Irwin with regard to the Scindia Steam Navigation Company and the British India Steam Navigation Company, Limited, that from Calcutta to Rangoon they will fix the same fare in respect of freight for cargo carried from Calcutta to Rangoon and *vice versa*?

**The Honourable Sir Joseph Bhoré:** I am not aware to what my Honourable friend is referring.

**Dr. Ziauddin Ahmad:** Will Government consider whether the contract should be renewed in the case of the British India Steam Navigation Company if the company did not agree to the advice given by the Government about the settlement of differences between the two companies?

**The Honourable Sir Joseph Bhoré:** The matter of deciding on mail contracts does not fall within my Department, but I shall bring it to the notice of my Honourable colleague who is unfortunately not able to be in his place here today on account of illness.

**Mr. S. G. Jog:** May I know the probable time by which these tenders will be asked for before the extension of the new contracts?

**The Honourable Sir Joseph Bhoré:** I am afraid I cannot give my Honourable friend any information on this point, because it does not relate to a matter with which my Department is concerned but I will try to obtain the information for him.

#### PRICE OF PETROL IN INDIA, RANGOON AND LONDON.

988. **\*Dr. Ziauddin Ahmad:** (a) Are Government aware that all petrol, though bought from various sources, is sold at the same price in each district of India?

(b) Are Government aware that all the companies have combined together against the consumers?

(c) What is the price of petrol in Rangoon and in London?

(d) What is the cost of production of petrol per gallon? Is it not in the neighbourhood of one anna per gallon?

(e) At what price do Government purchase the petrol?

**The Honourable Sir Joseph Bhore:** (a) The information in the possession of the Government of India is that petrol from all sources is sold in India at a uniform price in a particular locality. This price, however, varies from place to place.

(b) The Government of India have no information, but, as promised by Sir C. P. Ramaswami Aiyar in reply to a supplementary question during the last Simla Session, the matter is being investigated.

(c) The price of petrol in Rangoon at the end of August 1932 was Rs. 1-2-6 per gallon in bulk or pump and Rs. 1-3-6 per gallon in sealed cans. The price in London for the month ending on the 25th August 1932 was 1s. 1½d. to 1s. 3½d. per gallon. It is believed that the price has recently been raised by 4d. a gallon.

(d) The Government of India have no information.

(e) The prices at which the Government of India purchase petrol vary with the localities in which supplies are required and the method of packing. The following are the prices at which the Indian Stores Department purchased at present.

- (i) F. O. R. at suppliers' installation in, and delivered free, at Rangoon, one rupee and one anna per Imperial gallon in returnable 2 gallon cans.
- (ii) F. O. R. at suppliers' installations at Calcutta, Bombay and Madras or delivered free at these places, one rupee five annas and six pies per Imperial gallon in returnable 2 gallon cans.
- (iii) F. O. R. at suppliers' installations at Calcutta, Bombay and Madras or delivered free at these places in returnable 40/45 gallon steel casks, one rupee and four annas per Imperial gallon.
- (iv) F. O. R. at suppliers' installations at Calcutta and Madras in buyer's containers or in bulk one rupee three annas and six pies per Imperial gallon.
- (v) For supplies made in bulk in Bombay City, annas five and pies six per Imperial gallon is charged less than the price mentioned in (iv) above.

This rate took effect from the 4th October, 1932. Previous to that date it was the same as in (iv) above.

- (vi) For deliveries made at Karachi, six pies per Imperial gallon is charged over and above the prices mentioned in (ii), (iii) and (iv) above.

**Mr. K. Ahmed:** In view of the fact that petrol coming from Russia lately is sold at Re. 1 per gallon at Bombay and in view of the fact that memorials were sent again and again, not by people who use motor cars alone, but also the suppliers of motor cars, copies of which must have reached my Honourable friend's Department, do Government propose, for the benefit of the people, to take steps to bring about a reduction in the price, considering the fact that the cost of production is not more than 10 annas and six pies?

**The Honourable Sir Joseph Bhoré:** My Honourable friend is proceeding on an assumption which, I think, is not correct.

**Mr. K. Ahmed:** Will the Honourable Member kindly point out which part of my question is correct and which part of it is incorrect?

**The Honourable Sir Joseph Bhoré:** According to my information, all his assumptions are more or less incorrect.

**Mr. K. Ahmed:** Did he or did he not receive a memorial that a gallon of petrol costs one rupee now-a-days in Bombay and the other cities are expecting the same?

**The Honourable Sir Joseph Bhoré:** I am not aware of it, but I shall make inquiries.

**Mr. K. Ahmed:** Does it not appear from the report of the Burma Oil Company that the cost of production is only 10 annas and six pies and that they are charging such a huge amount, Government allowing this undesirable bargain?

**The Honourable Sir Joseph Bhoré:** I have already replied that Government have no information in regard to the cost of production.

**Mr. B. V. Jadhav:** May I know if Government have made any inquiries as to why they are getting petrol cheaper by five annas six pies since October 5?

**The Honourable Sir Joseph Bhoré:** I have no doubt that is due to competition.

**Mr. B. V. Jadhav:** Does it not show that the Company was making excessive profits before this competition came in?

**The Honourable Sir Joseph Bhoré:** Not necessarily; it might be.

**Mr. Jagan Nath Aggarwal:** Do the Government realise that two Companies situated in this country, the Attock Oil Company and the Burma Oil Company, can sell petrol cheaper in London and dearer in this country? If so, does that not call for some inquiry by Government?

**The Honourable Sir Joseph Bhoré:** I think it is a fact that petrol is sold cheaper in London; but I am not aware of the reasons for that; it may be due to competition.

**Mr. M. Maswood Ahmad:** Do you propose to inquire about the reasons?

**Mr. Jagan Nath Aggarwal:** May it not be due to profiteering?

**The Honourable Sir Joseph Bhoré:** It may be due to a variety of reasons. I do not think it is a matter in which Government can act, certainly not on the information which they have at present. If it is a fact that competition is succeeding in reducing rates, I think that the public will no doubt benefit very considerably.



**Dr. Ziauddin Ahmad:** Is it not a fact that all the Companies have combined against consumers and now the Bolsheviks of Russia have come in to break this combine, when American Standard Company failed?

**The Honourable Sir Joseph Bhoré:** It may possibly be so.

**Mr. Lalchand Navalrai:** In regard to the answer to part (b) of the question, may I know if it is very difficult for the Government to find out whether there is a combination and, if there is one, to provide against it?

**The Honourable Sir Joseph Bhoré:** I think I have already informed my Honourable friend that the matter is being investigated.

**Mr. Lalchand Navalrai:** Exactly: what I mean is, is it such a difficult question that it should take so much time, and that we should be suffering in the meantime?

**The Honourable Sir Joseph Bhoré:** My Honourable friend must realise that these inquiries cannot be made in the course of a few days or even a few weeks.

**Mr. Lalchand Navalrai:** Would it require years to find out whether there is a combination or not? I would like to have an answer as to how much more time it will take.

**The Honourable Sir Joseph Bhoré:** I cannot possibly tell my Honourable friend.

**Mr. Lalchand Navalrai:** May I take it that Government will take an indefinite time over this inquiry?

**The Honourable Sir Joseph Bhoré:** There will be an inquiry carried out and the results will, if necessary, be communicated to any Member of this House who puts a question on that point.

**Mr. Lalchand Navalrai:** May I know why it should take such a long time?

**The Honourable Sir Joseph Bhoré:** I am not prepared to give any more information on that point.

**Mr. Lalchand Navalrai:** Then I take it that there is no desire on the part of Government to give a direct reply?

**The Honourable Sir Joseph Bhoré:** My Honourable friend's assumption is entirely incorrect.

#### RETRENCHMENT IN THE RAILWAY DEPARTMENT.

989. **\*Dr. Ziauddin Ahmad:** (a) What are the principles on which retrenchment is being carried on in the Railway Department?

(b) Are Government prepared to issue orders to Agents and Divisional Superintendents that persons who have retired from Company and State Railways and who are now serving in State Railways, should be compelled to retire?

(c) Are Government prepared to consider the advisability of forcing persons, who have completed 25 years' service, to retire?

**Mr. P. R. Rau:** (a) I would refer the Honourable Member to paragraph 17 of the Government of India's Communiqué, dated the 6th June, 1932, a copy of which is in the Library.

(b) State-managed Railway Administrations have been advised that no extension of service after the age of 55 should ordinarily be granted to railway employees in units in which there is a surplus or where there is a waiting list.

(c) No. I would remind the Honourable Member that the Court of Enquiry definitely advised against following this course as a general rule.

**Dr. Ziauddin Ahmad:** Has the time come when retrenchment should now be stopped?

**Mr. P. R. Rau:** No, Sir.

**Dr. Ziauddin Ahmad:** Will the retrenchment continue?

**Mr. P. R. Rau:** I have not said that. I cannot give an undertaking on the part of the Railway Department that retrenchments will cease at the present moment. I explained in reply to a question yesterday what the position was with regard to the retrenchments in railways in general. So far as the information, available at present, goes I said that the total number of staff to be retrenched in the immediate future was not likely to exceed 3,000.

**Dr. Ziauddin Ahmad:** My question was, is this whole question not a question of the past and now the question would not arise in future?

(No answer was given.)

#### PROMOTION OF PERMANENT WAY INSPECTORS TO THE RANK OF ASSISTANT ENGINEERS.

990. **\*Dr. Ziauddin Ahmad:** (a) Is it a fact that Permanent Way Inspectors are promoted to the rank of Assistant Engineers, even if they are not qualified?

(b) Do they have any knowledge, theoretical or practical, in construction work?

**Mr. P. R. Rau:** (a) and (b) Permanent Way Inspectors are promoted to the rank of Assistant Engineers only when they have the knowledge, theoretical and practical, considered requisite for the satisfactory execution of the duties they are called upon to perform.

#### MODERATION OF MR. HASSAN'S REPORT.

991. **\*Dr. Ziauddin Ahmad:** (a) Is it not a fact that Mr. Hassan's original report was moderated by Mr. Chandwani at the suggestion of Mr. Hayman?

(b) Will Government be pleased to lay the original report in the Library?

**Mr. P. R. Rau:** (a) No.

(b) The report, as laid in the Library, is the original report submitted by Mr. Hassan to the Railway Board.

## RAILWAY BOARD'S RECOMMENDATIONS ON MR. HASSAN'S REPORT.

992. \***Dr. Ziauddin Ahmad**: Is it not a fact that the recommendations for the Railway Board on Mr. Hassan's report were also prepared by Mr. Chandwani?

**Mr. P. R. Rau**: No.

## MOSQUES UNDER THE CONTROL OF THE GOVERNMENT.

993. \***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): Will Government be pleased to enumerate (a) the mosques which are in their possession, or (b) over which Government claim to exercise control?

**Mr. G. S. Bajpai**: (a) 150.

(b) 95.

## JAMA MASJID, DELHI.

994. \***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Will Government be pleased to state if it is a fact that the Jama Masjid, Delhi, was built by the Emperor Shah Jehan?

(b) Have Government got any claims over it? If so, under what agreement and with whom?

(c) Will Government be pleased to lay a copy of the agreement on the table?

(d) Do Government know that any interference with the full user of Jama Masjid, Delhi, by Muslims according to *Shariat* will cause great resentment throughout the country?

**The Honourable Mr. H. G. Haig**: (a) Yes.

(b) and (c). A copy of the agreement was laid on the table on the 30th September, 1932.

(d) I would invite attention to the Press Communiqué issued by the Chief Commissioner, Delhi, on the subject on the 31st August, 1932.

## CLASSIFICATION IN JAIL OF MAULANA ATAULLAH SHAH BOKHARI OF AMRITSAR.

995. \***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan): (a) Are Government aware that Maulana Ataullah Shah Bokhari of Amritsar is held in great respect by Muslims?

(b) Was he convicted by a Magistrate at Delhi for making two speeches and placed as a prisoner in B class?

(c) Are Government aware that such treatment of giving him B class has caused discontent?

(d) Are Government prepared to change his class from B to A?

**The Honourable Mr. H. G. Haig**: (a) The Government understand that he is an influential speaker.

(b) Yes.

(c) No.

(d) The Local Government see no reason to make such a change. The classification was made after due consideration.

**RELEASE OF AHRAR PRISONERS CONVICTED IN CONNECTION WITH THE KASHMIR AGITATION.**

996. \***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan):

(a) Will Government be pleased to state how many Ahrar prisoners there are in jails in India in connection with the Kashmir agitation?

(b) Are Government aware that at present there is neither the disobedience movement nor the agitation against the Kashmir Durbar in British India?

(c) Do Government propose to release the Ahrar prisoners who were sent to jail in connection with the Kashmir agitation? If not, why not?

**The Honourable Mr. H. G. Haig:** (a) 56.

(b) So far as I am aware, the Honourable Member's view is correct.

(c) I would refer the Honourable Member to the reply given by me to part (b) of question No. 707 on the same subject.

**IMPRISONMENT OF MR. AZIZ HINDI OF AMRITSAR.**

997. \***Mr. M. Maswood Ahmad** (on behalf of Shaikh Sadiq Hasan):

(a) Will Government be pleased to state on what grounds they have imprisoned Mr. Aziz Hindi of Amritsar without a trial?

(b) How long do Government intend to deprive him of his freedom?

(c) Will Government ever put him in trial before a Court of law?

**The Honourable Mr. H. G. Haig:** (a) I would refer the Honourable Member to the reply given by my predecessor in this House on the 27th January, 1931, to Mr. Gaya Prasad Singh's question No. 43.

(b) As long as this is necessary in the public interest.

(c) There is no such intention.

**ABSENCE OF LATRINES IN THIRD CLASS CARRIAGES ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

998. \***Kunwar Haji Ismail Ali Khan** (on behalf of Khan Bahadur Haji Wajihuddin): Is it a fact that the Shahdara-Saharanpur Light Railway does not provide latrines for the third class passengers? If so, why? Are Government prepared to invite the attention of the Shahdara-Saharanpur Light Railway Company to this want?

**Mr. P. R. Rau:** I would refer the Honourable Member to the reply I gave to Lala Hari Raj Swarup's question No. 698 on the 23rd September, 1932. I am bringing the Honourable Member's question to the notice of the Managing Agents of the Railway.

**ABSENCE OF LATRINES IN THIRD CLASS CARRIAGES ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

999. \***Kunwar Haji Ismail Ali Khan** (on behalf of Khan Bahadur Haji Wajihuddin): What should the passengers of the third class travelling on the Shahdara-Saharanpur Light Railway do when they feel call of nature? Is it a fact that one such passenger who used the intermediate class latrine was charged excess-fare from Baraut to Baghpat Road railway station on the 8th September, 1932?

**Mr. P. R. Rau:** I am afraid, Government cannot undertake to offer advice on the matter raised in the first part of this question. As regards the second part, I have no information, but, ordinarily, passengers, found in a higher class of carriage than that for which they hold tickets, are liable to pay excess fares.

#### EXPIRY OF THE CONTRACT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1000. **\*Kunwar Haji Ismail Ali Khan** (on behalf of Khan Bahadur Haji Wajihuddin): (a) Is it a fact that the term of the original contract between the Shahdara-Saharanpur Light Railway Company and Government came to an end, and an extension has been given to the Company?

(b) When, why, and for how much time was it given?

(c) Do Government propose to take over the management of the Railway after the extended term comes to an end?

**Mr. P. R. Rau:** (a) The last occasion for termination was in 1927. The United Provinces Government did not then exercise their option.

(b) Under the terms of the contract, the next occasion on which the option can be exercised is on 18th April, 1934.

(c) The question is one for decision by the Government of the United Provinces.

**Dr. Ziauddin Ahmad:** In view of the fact that this Company takes very little care about the comforts of passengers, will not the Government convey to the Government of the United Provinces the wishes of the public that this contract should cease to exist?

**Mr. P. R. Rau:** I should say that the natural course would be to ask questions in the United Provinces Legislative Council.

#### INCONVENIENCE CAUSED TO PASSENGERS AT GARHMUKTESAR ON THE EAST INDIAN RAILWAY.

1001. **\*Kunwar Haji Ismail Ali Khan** (on behalf of Khan Bahadur Haji Wajihuddin): (a) Is it a fact that on some minor stations of the East Indian Railway, e.g., Garhmuktesar, only one man is kept on duty after sunset?

(b) Are Government aware that considerable inconvenience is thereby caused to the passengers alighting from the trains, as the gates are closed and they are not allowed to go out till the train has left and the member of the staff concerned is relieved of the incidental engagements?

(c) Is it the duty of the Railway administration to allow the passengers alighting from the trains egress from the Railway station as soon as they desire to go out?

**Mr. P. R. Rau:** (a) Government have no details of the staff actually employed at each station.

(b) The scheduled stoppage of trains at minor stations does not normally exceed two or three minutes. I am, however, bringing the Honourable Member's question to the notice of the Agent, East Indian Railway, for such action as he may consider necessary.

(c) Yes.

**DETENTION OF PASSENGERS AT GARHMUKTESAR, EAST INDIAN RAILWAY.**

1002. **\*Kunwar Haji Ismail Ali Khan** (on behalf of Khan Bahadur Haji Wajihuddin): (a) Is it a fact that on the 20th August, 1932, passengers arriving at Garhmuktesar Railway Station by the 4-M. D. train, Moradabad-Delhi Branch, were detained for about 20 minutes and were not allowed to go out till about a quarter of an hour after the departure of the train?

(b) Was Maulvi Muhammad Zharul Hasan, B.A., LL.B., Pleader, Ghaziabad, one of them?

(c) Has he served the Secretary of State for India in Council and the Agent, East Indian Railway, with notices claiming damages?

(d) What do Government propose to do in the matter?

**Mr. P. R. Rau:** (a), (b) and (c). Government have no information.

(d) Government have called for a report from the East Indian Railway as to the facts and, when it is received, will consider whether any action on their part is called for.

**DECLARATION OF A GRAVE AT GHAZIABAD AS A PROTECTED MONUMENT.**

1003. **\*Kunwar Haji Ismail Ali Khan** (on behalf of Khan Bahadur Haji Wajihuddin): (a) Is it a fact that there is an ancient grave lying near the Dak Bungalow at Ghaziabad which is believed to be that of the mother of Nawab Ghaziuddin Hyder, the founder of Ghaziabad?

(b) Are Government prepared to declare it protected under the Ancient Monuments Preservation Act, and effect necessary repairs thereto?

**Mr. G. S. Bajpai:** (a) and (b). Government have no information, but propose to have the grave inspected by officers of the Archaeological Department.

**Kunwar Hajee Ismail Ali Khan:** Will Government kindly make inquiries?

**Mr. G. S. Bajpai:** I have already stated that we shall ask officers of the Archaeological Department to inspect this grave.

**GRANT OF DISABILITY PENSION TO JAMADAR AHMAD BAKHSH.**

1004. **\*Kunwar Haji Ismail Ali Khan** (on behalf of Khan Bahadur Haji Wajihuddin): With reference to my starred question put in the Legislative Assembly on the 5th March, 1931, and the answer given by the Army Secretary in his D. O. No. 42-G., dated the 11th April, 1931, that Jamadar Ahmad Bakhsh did not show any sign of ill-health while at Manzai, will Government be pleased to state how that reply can be reconciled with the following documents:

- (i) Manzai Hospital No. 7/1548/3/5, dated 25th April, 1926, and No. 7/2589/11, dated 30th May, 1926 (Brief Clinical Notes) showing that Jamadar Ahmad Bakhsh was sick at Manzai; and

- (ii) the certificate of the Medical Board held on this officer in March 1927, to the effect that the disability was contracted on field service during the Great War and was permanent?

**Mr. G. R. F. Tottenham:** Inquiries have been made from the military authorities concerned, and a reply will be laid on the table in due course.

**REMOVAL OF MR. JUGAL KISHORE KHANNA AND LALA DESH BANDHU GUPTA FROM THE MEMBERSHIP OF THE DELHI MUNICIPAL COMMITTEE.**

1005. **\*Mr. B. Das:** (a) Will Government be pleased to state if Mr. Jugal Kishore Khanna and Lala Desh Bandhu Gupta, members of the Delhi Municipality, have been removed by order of the Local Government under section 16 (1) (a) of the Punjab Municipal Act from the Committee on the ground of their having committed a breach of the oath of allegiance?

(b) Is it a fact that the said members in their reply to the charge of having committed a breach of the Municipal oath of allegiance refuted the charge?

(c) If so, will Government state if a breach of the oath of allegiance was proved in any competent Court?

(d) If the reply to part (c) be in the negative, will Government please state the grounds on which the charge was held by the Local Government to be justified?

**Mr. G. S. Bajpai:** (a) They were removed on account of having been convicted of an offence which implied, in the opinion of the Chief Commissioner, Delhi, a defect of character which unfitted them to be members of the Municipal Committee.

(b) The explanations submitted by them were considered unsatisfactory by the Chief Commissioner.

(c) This was not necessary.

(d) The Honourable Member's attention is drawn to the reply given to part (a) of this question.

**Mr. B. Das:** Is the Honourable Member aware that there are certain Members present on the floor of this House who have been similarly convicted by the Government, as for instance, my friend, Mr. S. C. Mitra . . . . ?

**Mr. S. C. Mitra:** I was never convicted of any offence, though detained in jail for several years.

**Mr. Gaya Prasad Singh:** May I know for what offence this gentleman was convicted?

**Mr. G. S. Bajpai:** This gentleman was convicted for forming part of an unlawful association.

**Mr. B. Das:** Under the Ordinance?

**Mr. Gaya Prasad Singh:** What was the unlawful association? The Indian National Congress?

**Mr. G. S. Bajpai:** No, not the Indian National Congress. The Honourable Member knows very well that the Indian National Congress as such has not been declared an unlawful association.

**Mr. Gaya Prasad Singh:** Then may I know what the Association was of which this gentleman formed a member?

**Mr. G. S. Bajpai:** If the Honourable Member would like detailed information, I shall be very glad to call for it and furnish it to him.

**ABSENTEE MUNICIPAL COMMISSIONERS OF THE DELHI MUNICIPAL COMMITTEE.**

1006. **\*Mr. B. Das:** (a) Will Government please furnish the names of those Municipal Commissioners of the Delhi Municipal Committee who, during the last six years, have absented themselves from the Municipal Committee for more than three months?

(b) Was any action taken against them for such absence?

(c) If the reply to part (b) be in the negative, will Government state why no action was taken against them?

(d) Why has it been thought necessary to take action under section 16 (1) (a) of the Punjab Municipal Act against Messrs. Khanna and Gupta?

**Mr. G. S. Bajpai:** (a), (b) and (c). Government regret that they are unable to supply the information asked for by the Honourable Member as its collection would involve an expenditure of time and labour wholly incommensurate with the results.

(d) The reasons for the removal of Messrs. Khanna and Gupta have been given in the reply to part (a) of question No. 1005.

**Mr. B. Das:** Is the Honourable Member aware that this House happens to be the Local Council for the Delhi Province, and the Members of this House are entitled to have information about affairs in this province, though they may not be entitled to ask for information about other provinces?

**Mr. G. S. Bajpai:** I am sure, Sir, the House will appreciate the fact that I have never refused to furnish Honourable Members any information which it is in the power of the Government to supply.

**Mr. B. Das:** Did not the Honourable gentleman just now plead that on the ground of expenditure the information could not be collected?

**Mr. G. S. Bajpai:** Well, Sir, I have already said that Government will furnish information which it is possible for them to furnish consistently not only with the desire of the House to have certain information, but also consistently with their responsibility to the tax-payer.

**Mr. S. O. Mitra:** So far as part (b) is concerned, I think Government can easily find out the names of those gentlemen who, during the last six years, have absented themselves from the Municipal Committee for more than three months and, if any one of them was debarred from being a member of the Municipal Committee? It is a question of principle to see if this rule has been applied to anybody else in the past.



**Mr. G. S. Bajpai:** My point is, that in order to get that information, the Local Administration will have to go through their records which are in the municipal offices, and it does not seem necessary to collect the information.

**Mr. B. Das:** May I ask the Honourable Member whether, if the Local Administration had a Local Council, they would not have had to supply this information?

**Mr. G. S. Bajpai:** That, Sir, is a hypothetical question; if there is a Local Administration and a Local Council, they can settle the matter between themselves.

**Mr. Gaya Prasad Singh:** Is the Honourable Member a better representative of the tax-payers of this country than the elected Members of this House?

**Mr. G. S. Bajpai:** Far be it for me to contend that the Honourable Members opposite are less representative as regards their responsibility to the tax-payer.

**Mr. S. C. Mitra:** Is not the Honourable Member assuming too much when he says that to supply the information asked for would involve an expenditure of time and labour incommensurate with the results? We want to know why any member who has been absent for more than three months should be debarred from functioning again as a member of the Municipal Committee? That is a question of principle which should not be applicable to absentee politicians alone.

**Mr. G. S. Bajpai:** I have given the information which has been supplied to me by the Local Administration and I presume the Local Administration are in a position to judge what amount of work would be required for collecting certain information.

**Mr. Gaya Prasad Singh:** Is it because it will not redound to the credit of the Chief Commissioner that the Government refuse to supply the information?

**Mr. G. S. Bajpai:** No, not a bit of it, Sir; because, as a matter of fact, the Honourable the Chief Commissioner has informed us, and I have also informed the House of that fact, that these two persons were removed from the membership of the Municipal Committee not because of prolonged absence from the Municipality, but under section 16 (1) of the Punjab Municipal Act.

#### REMOVAL OF OFFICIAL PRESIDENT OF THE DELHI MUNICIPAL COMMITTEE MOVED BY TWO MEMBERS OF THE NATIONALIST MUNICIPAL PARTY.

1007. **\*Mr. B. Das:** Is it a fact that Lala Jugal Kishore Khanna and Lala Desh Bandhu Gupta, Municipal Commissioners of Delhi, were members of the Nationalist Municipal Party who moved for the removal of the official President when the present Chief Commissioner was the Deputy Commissioner?

**Mr. G. S. Bajpai:** Government have no information.

**Mr. B. Das:** Will the Honourable Member collect information on the matter?

**Mr. G. S. Bajpai:** If the Honourable Member wishes this point pursued, I am quite prepared to ask the Chief Commissioner to carry on inquiries.

**Mr. B. Das:** Was it not a part of the duty of the Chief Commissioner to supply the information, because he happens to be the President of the Municipality?

**Mr. G. S. Bajpai:** The Chief Commissioner, if I may submit it for the consideration of the House, is certainly expected to collect information with regard to official functions of individuals, but as regards the private associations of individuals, such as membership of a particular party. I am not sure whether it is part of his functions.

**Mr. B. Das:** Is the Honourable Member aware that similar questions are being asked in Provincial Councils, and whether under the Local Self-Government Act similar questions can be asked?

**Mr. G. S. Bajpai:** I am quite prepared to accept that from my Honourable friend. I have not personally made researches into the proceedings of Local Councils.

**Mr. B. Das:** Why does not the Honourable Member give information to this House which happens to be the Local Council for Delhi Province?

**Mr. G. S. Bajpai:** I confess that my Honourable friend seems to be unnecessarily irritated. He has asked for information whether certain members were members of a particular party. I have said I have no information on the point. I have volunteered to ascertain from the Local Administration the information. I cannot do anything more than that.

**Mr. Gaya Prasad Singh:** Why is the Honourable Member unnecessarily reticent about a matter which it is in the competence of the Honourable Members to ask on the floor of this House?

**Mr. G. S. Bajpai:** I can assure my Honourable friend that there is no reason to be reticent about the membership of a member or gentleman or of a particular party.

#### ALLEGED WRONGFUL DETENTION AND MALTREATMENT BY POLICE OF CERTAIN CONGRESS VOLUNTEERS IN DELHI.

1008. **\*Mr. B. Das:** (a) Has the attention of Government been drawn to a statement published in the daily *Arjun* and other papers of Delhi in their issues of the 29th August, 1932, in which one Sher Singh complained that on the 28th August, 1932, he and eight others, suspected of being Congress volunteers, were kept in the Delhi City Kotwali from morning till late in the evening without food, mercilessly beaten and then released?

(b) Are Government aware that persons suspected of being Congress workers and volunteers are being invariably remanded to police custody and kept in *thanis* where they are beaten and tortured?

(c) Are Government aware that a special police station has been opened in the Delhi Fort (Lal Qila) for this purpose?

(d) If the answers to parts (a), (b) and (c) be in the affirmative, will Government please state the law under which suspected persons are thus kept without food, tortured and beaten?

**The Honourable Mr. H. G. Haig:** (a) Yes. The allegations made therein are baseless.

The facts are briefly that six boy Congress volunteers who started a "Flag Salutation" Ceremony, in furtherance of the civil disobedience movement, were told to disperse, but refused to do so. On refusal, they were taken into custody and could have been prosecuted, but were let off on account of their youth. The boys were not beaten by the Police, and were released in plenty of time to take their evening meal.

(b) No. On the contrary, the Chief Commissioner, Delhi, reports that such persons are almost always sent to the judicial lock-up. In a few instances only, where such men have been suspected of complicity in revolutionary crime, they have been detained in police custody for purposes of identification, etc.

(c) No. But some dangerous revolutionaries, whose cases are under investigation, have been detained in the Delhi Fort for greater safety.

(d) Does not arise.

**Mr. B. Das:** May I inquire whether humanitarian considerations do not permit Government officials to supply mid-day food to these boys for whom the Honourable Member expressed such kind feelings?

**The Honourable Mr. H. G. Haig:** How many times does the Honourable Member expect these boys to be fed?

**Mr. B. Das:** Were these boys supplied with mid-day food? They were released in the evening, and they had no food at mid-day?

**The Honourable Mr. H. G. Haig:** I understand that they were released in plenty of time to take their evening meal.

**Mr. Gaya Prasad Singh:** When were they released? Were they released in the evening?

**The Honourable Mr. H. G. Haig:** I cannot give details, but I have given the information in my possession.

**Mr. Gaya Prasad Singh:** Then what authority has the Honourable gentleman got to say that they were released in plenty of time to take their evening meal, when he does not know exactly when they were released?

**The Honourable Mr. H. G. Haig:** I give the information on the authority of the Chief Commissioner of Delhi.

**Mr. B. Das:** Does the Honourable Member agree that these people were kept in the Delhi City Kotwali from morning till late in the evening without food, and if they were released in time for their evening meal, what about their mid-day meal? Little boys want more food than probably the Honourable Member or I want?

**The Honourable Mr. H. G. Haig:** They may possibly have missed one of their meals, but I do not consider that a great hardship.

**Sardar Sant Singh:** May I know how the Government reconcile the answer to part (b) of this question by saying that these persons, when they are suspected of terrorist crime, are kept in *havalat* and not in judicial lock-up, and are kept there for the purpose of identification, etc.? What is the identification in such cases and what are the other implications, etc., for which they are kept there?

**The Honourable Mr. H. G. Haig:** I find it rather difficult to follow the Honourable Member's question. Does he want to know why the revolutionaries are sometimes kept in police custody for the purpose of identification. . . .

**Sardar Sant Singh:** May I explain my question once more? The answer given to part (b) of the question, as I understand it, is that boys suspected of revolutionary crimes are kept in *havalat* and not sent to the judicial lock-up for the purpose of identification, etc. What I want to know is this. The question of identification only arises when the boys' parentage or their addresses are not known. Now this was known to the police when they were arrested, and what other purposes are implied under the term "etc." for which they were detained in the *havalat*?

**The Honourable Mr. H. G. Haig:** The Honourable Member has, I think, misunderstood what I intended by identification. I did not mean for the purpose of discovering who they were, but, in the course of the police investigation, it is sometimes necessary to see whether certain people recognise these prisoners as having taken part in certain activities.

**Mr. Gaya Prasad Singh:** Or to extort confession from them!

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Next question, please.

ALLEGATIONS OF MALTREATMENT BY DHARAMPAL, A REVOLUTIONARY SUSPECT, WHILE IN POLICE CUSTODY IN DELHI.

1009. **\*Mr. B. Das:** Is it a fact that very serious allegations were made (as per copy given below) by one Dharam Pal, a revolutionary suspect, accused, under the Indian Arms Act, in the Court of Mr. S. M. Rashid, Magistrate, I Class at Delhi, on the 5th of September, 1932, against the conduct of the police and the treatment meted out to him during the time he was kept in police custody in the Delhi City Kotwali and Delhi Fort Police Station?

"IN THE COURT OF S. M. RASHID, Esq., B.A., MAGISTRATE, I CLASS DELHI.

CROWN *versus* DHARAM PAL.

SIR,

The accused petitioner respectfully begs to state as under :

- (1) That the accused was arrested on 22nd July, 1932, and was remanded to police custody for 14 days.
- (2) That on 26th July, 1932, accused petitioner was confined in the Delhi Fort Police station where he was kept for about a week.
- (3) That for the first 5 days, i.e., on the 26th, 27th, 28th, 29th and 30th July, 1932, accused petitioner was made to stand hands up and given shoe-beating on hips under orders of Sardarji, the Sikh Sub-Inspector in-Charge of Police Station, Delhi Fort.
- (4) That the said Sub-Inspector and six constables—Sri Ram, Ghumani, Sarfaraz, Mulla and Mirza Manzur Ali by names—beat the petitioner by turn and made the petitioner sit with his legs asunder.

(5) That the petitioner was extremely tortured and made to wake up for two consecutive nights.

(6) That the accused petitioner, when produced last time in Court, orally complained about this to Ch. Baldeo Singh, Magistrate, who asked the petitioner to make a complaint in writing to the trying Court.

Petitioner therefore respectfully prays that an investigation into the conduct of the police be ordered and the officials concerned be dealt with according to law.

(Sd.) DHARAM PAL,

5th September, 1932.

*Petitioner."*

**The Honourable Mr. H. G. Haig:** Such allegations were made by the accused in question, but careful departmental enquiries have disclosed no reason to give them credence. The complaint, however, will be inquired into by the Magistrate before whom it was filed and who is trying the Arms Act Case against the accused.

**Sardar Sant Singh:** May I know if the person who made these allegations, Mr. Dharampal in this particular case, was present at the time the investigation was going on, or whether his statement was recorded by the department?

**The Honourable Mr. H. G. Haig:** I imagine that his statement was very fully considered in the departmental enquiry and it will be considered in still more detail and in his presence by the Magistrate.

**TOTAL EMOLUMENTS AND THE NUMBER, ETC., OF SUPERIOR GRADE PUBLIC SERVANTS IN CERTAIN DEPARTMENTS IN DELHI.**

1010. **\*Mr. B. Das:** Will Government please furnish:

(a) the figures of the total expenditure in emoluments of public servants located at Delhi, in 1910; and

(b) the number and designation of superior grade public servants in the Executive, Judicial and Public Departments—employed for the administration of the Delhi District in the said year?

**The Honourable Mr. H. G. Haig:** (a) The information is not available and could not be procured without an amount of research that I should not feel justified in undertaking.

(b) A statement giving the information is laid on the table. It is assumed that in speaking of the Public Department the Honourable Member is referring to the Public Works Department.

*List showing the number and designation of superior grade public servants of Executive, Judicial and Public Works Departments in the Delhi District in 1910.*

Number.	Designation.			
1	..	..	..	Deputy Commissioner.
1	..	..	..	District Judge.
3	..	..	..	Assistant Commissioners.
5	..	..	..	Extra Assistant Commissioners.
1	..	..	..	Judge, Small Causes Court.
1	..	..	..	Settlement Officer.
1	..	..	..	Extra Assistant Settlement Officer.
2	..	..	..	Executive Engineers.

**AREA AND POPULATION OF THE PRESENT PROVINCE OF DELHI.**

1011. **\*Mr. B. Das:** (a) Is it a fact that the total area and population of the present Province of Delhi are considerably less than those of the Delhi District in 1910?

(b) Will Government state the number and designation of the superior grade public servants employed for the administration of the Executive, Police and Judicial Departments of the Delhi Province at present?

**The Honourable Mr. H. G. Haig:** (a) No, Sir. The area of the Delhi Province is no doubt less than that of the old Delhi district, but the population is very nearly the same.

(b) A statement giving the information is laid on the table.

*List showing the number and designation of superior grade public servants of the Executive, Police and Judicial Departments in the Delhi Province in 1932.*

No.	Designation.
1	Chief Commissioner.
1	Deputy Commissioner.
1	Land and Development Officer.
1	Additional District Magistrate.
1	Resident Magistrate, Now Delhi.
4	Extra Assistant Commissioners.
1	District and Sessions Judge.
6	Subordinate Judges.
3	One President and two members of the Tribunal.
1	Judge, Court of Small Causes.
1	Registrar, Court of Small Causes.
2	Superintendent and Additional Superintendent of Police.
1	Assistant Superintendent of Police.
1	Special Officer (Police.)
2	Deputy Superintendents of Police.
1	Deputy Superintendent of Police (Temporary for six months.)
1	Temporary Officer for Criminal Investigation Department.

## REVENUE AND EXPENDITURE OF THE DELHI PROVINCE.

1012. **\*Mr. B. Das:** (a) Is it a fact that the revenues of the Delhi Province usually fall short of the expenses of the administration?

(b) If so, how much have Government contributed to the expenditure on the administration of the Delhi Province since 1912?

**The Honourable Mr. H. G. Haig:** (a) Yes.

(b) The Honourable Member will find the necessary information since 1913-14 in the *pro forma* account for Delhi appended to the Explanatory Memorandum by the Financial Secretary on the Budgets beginning from the year 1915-16. The Explanatory Memorandum referred to is included in the annual Financial Statement, Volume I, up to the year 1920-21, and, after that, in the annual Budget Volume. Both these documents are in the Library of this House. No figures for 1912-13 are available.

**Dr. Ziauddin Ahmad:** Do these figures include the expenditure on New Delhi also?

**The Honourable Mr. H. G. Haig:** I am afraid I must ask for notice of that question.

## ABOLITION OF THE POST OF CHIEF COMMISSIONER, DELHI PROVINCE.

1013. **\*Mr. B. Das:** Will Government please give reasons for not accepting the General Purposes Committee's recommendation that the post of the Chief Commissioner of the Delhi Province should be abolished, and that the administration placed under the direct supervision of the Home Department of the Government of India?

**The Honourable Mr. H. G. Haig:** The reasons are fully stated at page 85 of the Summary of the Results of Retrenchment Operations in Civil Expenditure and in Military Estimates, copies of which were circulated to Members of the Legislative Assembly in March, 1932.

**Mr. B. Das:** Does not national economy demand that Government should adopt some cheaper system of administration for a small area like Delhi than the present one?

**The Honourable Mr. H. G. Haig:** It is difficult, in view of the present constitutional arrangements, to simplify the administration of the Delhi Province.

**Mr. B. Das:** Is not the whole of the Delhi Province smaller than a district in the United Provinces from which my Honourable friend comes?

**The Honourable Mr. H. G. Haig:** That is perfectly true, but it is not only the headquarters of the Government of India, but the place in which Honourable Members of this House assemble for a large portion of the cold weather. (Laughter.)

†1014. \*

†This question has already been answered; see p. 1485 of L. A. Debates, dated 28th September, 1932.

**NEGOTIATIONS REGARDING THE PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY.**

**1015. \*Pandit Ram Krishna Jha:** (a) Will Government be pleased to state whether the negotiation that was carried on between the Government of India and the Bengal and North Western Railway authorities, regarding the purchase of the Bengal and North Western Railway, including Tirhut Railways, has come to an end?

(b) If so, what is the result of the negotiations?

(c) Will Government be pleased to lay on the table the entire correspondence that passed between the Government of India and the Railway authorities on the subject?

(d) Will Government be pleased to state what steps they have finally decided to take in the matter of the purchase of the said Railways?

**Mr. P. R. Rau:** (a) Yes.

(b) and (d). I would refer the Honourable Member to the Railway Department Notification No. 6370-F., dated 16th May, 1932, published at pages 645 to 651 of Part I of the Gazette of India, dated the 21st May, 1932.

(c) There has been no correspondence on the subject between the Government of India and the Railway authorities. The Gazette Notification, to which I have referred the Honourable Member, reproduces the correspondence that has passed between the Secretary of State and the Railway Companies.

**Mr. Gaya Prasad Singh:** Will the Honourable Member kindly give the main features of the new contract, which is under preparation, with the Bengal and North Western Railway?

**Mr. P. R. Rau:** They are contained in this correspondence to which I have just attracted the attention of the Honourable Member.

**Dr. Ziauddin Ahmad:** Are the conditions substantially the same as in the previous contract?

**Mr. P. R. Rau:** I am afraid I do not carry all those conditions in my head.

**Dr. Ziauddin Ahmad:** I thought the Honourable Member should know whether there have been changes.

**Mr. P. R. Rau:** There have been certain changes following the recommendations of the Committee which was appointed by this House.

**WANT OF PROPER ACCOMMODATION FOR GAZETTED OFFICERS IN SIMLA AND DELHI.**

**1016. \*Mr. S. G. Jog:** (a) Is it not a fact that many officers of gazetted rank and in higher service find it difficult to get Government quarters both at Simla as well as at Delhi?

(b) Will Government state how many officers are without Government quarters and how many of them are living in hotels as they could not secure quarters?



(c) Are Government aware that these higher officials are put to great inconvenience on account of this want of proper accommodation?

(d) If so, what steps do Government propose to take in the matter with a view to removing the inconvenience and discomfort to these officers?

**Mr. T. Ryan:** (a) At both Simla and Delhi a number of officers are unable to obtain Government quarters.

(b) Information on this point is not available.

(c) Government are aware that officers who desire to live in Government quarters but are unable to obtain them are put to inconvenience.

(d) In existing financial conditions, Government are not in a position to add substantially to the number of Government quarters available for officers at Simla and Delhi.

†1017.\*

#### JURISDICTION OVER CART ROAD NEAR THE QUARTERS FOR ASSEMBLY MEMBERS IN SIMLA.

1018. **\*Mr. S. G. Jog:** Will Government please state in whose jurisdiction is the portion of the Cart Road between the second mile and the orthodox quarters for the Assembly Members?

**Mr. T. Ryan:** The portion of the Cart Road in question is under the jurisdiction of the Government of the Punjab.

**Mr. S. G. Jog:** Will the Honourable Member bring to the notice of the Punjab Government the inconvenience caused?

**Mr. T. Ryan:** What inconvenience? That it was under their jurisdiction?

#### CONTEMPLATED APPOINTMENT OF AN OFFICER OF A COMPANY-MANAGED RAILWAY AS A DIRECTOR OF RAILWAY BOARD.

1019. **\*Mr. Badri Lal Rastogi:** (a) Will Government be pleased to state if it is a fact that an officer of a Company-managed Railway in South India is being seriously considered for appointment as a Director of the Railway Board?

(b) If so, will Government be pleased to state if no suitable officer is obtainable from any of the State Railways?

(c) Is it also a fact that the said Company-officer was superseded on his own railway?

(d) Is it also a fact that his age is over 55?

**Mr. P. R. Rau:** (a) Yes.

(b) Appointments in the Railway Board's office are open to all officers of Railways, both State and Company-managed.

(c) No.

(d) No.

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† This question was withdrawn by the questioner.

**Mr. M. Maswood Ahmad:** Will Government be pleased to state to which community this officer in question belongs?

**Mr. P. R. Rau:** If my presumption about the officer in question is correct, he is a European.

**Mr. B. Das:** May I enquire what is the exact age of this officer? It is stated to be 55.

**Mr. P. R. Rau:** It is under 55.

**Mr. B. Das:** Is it very close to 55?

**Mr. P. R. Rau:** I do not think so.

**Mr. B. Das:** Is not the age 55 only meant for Governors of Provinces and not applied to public servants under the retrenchment schemes? All officers above 55 should be retrenched—is not that the recommendation?

**Mr. P. R. Rau:** There is a general rule in railway service that an officer superannuates at the age of 55.

#### RESOLUTION *RE* TRADE AGREEMENT SIGNED AT OTTAWA.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the Ottawa Agreement and the Resolution and amendments thereon.

**Mr. Arthur Moore** (Bengal: European): Mr. President, I imagine there must be in this House some older Members who are feeling, as  
 12 Noon. I do myself, that never before has so great a responsibility for our vote been placed upon us. There have been in the past some very important issues left to the decision of this House, important tariff issues; but, on other occasions, as for instance, in the very critical divisions on the Emergency Finance Bill, a year ago, it was possible to feel that after all the ultimate responsibility did not rest with us, and I think there have been occasions in the past when Members opposite have felt that, owing to the existence of the possibility of certification, they were allowed a certain liberty and it was sometimes possible for them to do what political parties in all countries do, if they are annoyed with the Government on one question they decide to show their annoyance by hitting the Government a blow on some other question. It has been possible to make a gesture and to give a vote even against one's conscience, with the feeling that after all the business before the House would in the end be put through by the system of certification. Well, that is not possible today. We are made in this matter to feel ourselves a responsible House. We are told, as I understand it, that the decision rests absolutely with us. When the division bell rings tomorrow evening or the evening after or whenever it does ring, it will then be finally decided whether the Agreement made at Ottawa is to go through, or whether a great scheme which has been prepared with a view to the whole of the British Commonwealth of Nations sharing in it is to be, shall we say, crippled in the very important section of it that relates to India.

[Mr. Arthur Moore.]

Furthermore, we must remember that at Ottawa both by the British Delegation and by the Dominions Delegations it was clearly set forth that this was an attempt at a scheme of world recovery. It was not aimed at the nations, outside the Empire. It was hoped, on the contrary, that it would lead to further understandings and to the possibility of a greater volume of trade, and freer trade, throughout the whole world in order to enable it to recover from its present depression. That seems to me the issue that we have got to consider and I do not think it is a very simple one. Personally, when questions of tariffs are brought under my notice, any question of a tariff deal, whether it is a round deal table or a square deal table, I am inclined to look under the table as well as over it. I am inclined to look round the corner as well as straight in front of my nose. Tariffs are tricky things; and I would like to say that, in supporting the principle of the Agreement, we here would wish it to be understood that we entirely reserve our right of criticism in regard to the resulting tariff Bill. There are two ways of carrying out the undertaking to give a margin of preference. You can give your margin of preference by increasing your existing tariffs on other countries up to the required margin or you can give your tariffs by decreasing your existing tariff in relation to the countries with which you come to agreement. That is a question which, in each particular instance, will necessarily have to be examined on its merits.

But I would like to ask the House to follow with me some of the processes of thought which lead me to feel that this Resolution ought to be supported. First of all, right in the centre of the landscape is the colossal fact that Great Britain and, with her, the whole of what is called the Colonial Empire, that is to say the Empire apart from the Dominions and India, all that portion of the Empire which has not enjoyed fiscal autonomy, that that tremendous market is ceasing to be a free trade market, and that Great Britain has abandoned her traditional policy of free imports. Now, that is a definite and decisive fact. I have heard it said yesterday and I have seen it stated in public comments in this country on the Ottawa Agreement that a pistol has been pointed at us or that there is some threat. That is a profound misunderstanding. Great Britain has changed her policy for the best of all reasons. One might say that she had changed her policy, because she has been converted by the example of her own Dominions and of India who, enjoying fiscal autonomy, have refused to follow in Great Britain's footsteps and to adopt a policy of free trade. But I do not think that would be a correct assumption, and, to me, it seems perfectly clear that Great Britain has done what she has done for the simple reason that she has had to do so. The debt situation created after the war and the refusal of two great creditor countries, France and America, to accept, in the case of France, reparations from Germany, and, in the case of America, her war debt from Europe in the form of goods and services, and their insistence on having it in metal, has created chaos; and unless a way out is found, the world must inevitably crash. It has created a situation in which all countries are compelled, against their will, to follow the example of America, and, in order to keep solvent, they have to diminish the margin of imports over exports, and

that at a time when in every country the total volume of trade—imports and exports together—is shrinking! Countries are forced by that debt position even with the shrinking volume of trade to try and curtail imports, in order to secure a surplus balance of trade. More than that, the social services at home in education and in other directions are such that, at the present moment, without a general tariff for revenue, it is absolutely impossible to carry on; and we have the decisive facts that when the Labour Government was in power, the Economic Council which they appointed reported in favour of a tariff and that the very members of the Labour Government who refused to remain with Mr. Macdonald and are now in opposition, those same members in a memorandum, written when they were in the Cabinet, said that a tariff was necessary as the only means of balancing the budget. Therefore, I am absolutely convinced that even if we could conceive of such a thing as the return of what may be called the orthodox remnant of the Liberal Party, and if Sir Herbert Samuel himself were to become Prime Minister, faced with the situation that exists, he also would be compelled to accept a tariff. Therefore, the Import Duties Act, which comes into force this day week, has to be taken as a settled fact. I have in front of me a pamphlet by Mr. Gadgil of the Gokhale Institute which is written largely in condemnation of the Ottawa Agreement, but it is also largely a condemnation of tariffs. But he finally says (*A Voice*: "Page?") on page 56:

"It is hard to believe that the British Delegation would not have agreed to the grant of the *status quo* for a further period of six months for making such an inquiry, or that the British Cabinet will refuse such a request even now if put forward by the Assembly",

and I saw a similar idea expressed in a Resolution which appeared on the Order Paper. Well, that seems to me a pathetic misunderstanding of the position. The Import Duties Act was absolutely inevitable, and all countries were faced with a most serious situation. Furthermore, in so far as the Import Duties Act can be considered as a measure of retaliation and as something for which the high tariff party in Great Britain have been asking in order to protect their home industries, it is clear that it is in no sense a pistol pointed at any member of the British Empire,—at any Dominion or at the Indian Empire. In so far as it is a retaliatory measure, it is clear that it is chiefly aimed at the foreign manufacturer who is competing strongly in Great Britain's home market. I notice also that Mr. Gadgil suggests that there is a danger, if this Agreement is passed, that it will provoke retaliation against India on the part of other countries. That is an argument which I find it difficult to follow, because other countries *have* their tariffs against India and India has her tariffs against them. In so far as there is retaliation, it is already in full swing. What has happened, on the contrary, is that the prolonged refusal of the rest of the world to follow Great Britain's example of having an open door has in the end forced her to adopt a different policy. So we have got this fact, that this day week the greatest free market that the world has ever seen will be closed, turnstiles will be set up, and no one will pass through unless either he produces an Ottawa pass or unless he pays his way. Other countries have turned an entirely deaf ear to the appeal that they should follow the example of Great Britain. They said, "here is a great market. We shall keep our own tariffs, capture as much of that for ourselves as possible". Every country has followed this plan.

[Mr. Arthur Moore.]

and none of them for a moment thought of allowing their own home markets to remain unprotected. In the Dominions, there arose, then, this criticism. They said, "here is this tremendous market in Great Britain, and we are the members of the empire. Why should we not have a special position in this market?". And so the policy of tariffs with preferences was evolved. Whereas foreign countries hoped that England would remain a free trade country, the Dominions urged that England should adopt tariffs against foreigners in order to provide economic links which would draw the British Commonwealth together. And what do we find? We find that in all the Dominions this policy, which was realised at Ottawa, is regarded as a fine policy. There is a great deal of argument about detail, but from no part of the Empire and from no self-governing country has yet come a refusal, or the suggestion that it was not highly profitable and desirable to enter into this new system. The case of Ireland is the most striking of all Mr. De Valera.... (Mr. B. Das: "Hear, hear.") (Laughter.) Well, Sir, I may say that I have recently had the same privilege as Mr. Jimmy Thomas, the privilege of hearing from Mr. De Valera's own lips his views; and in any case there is no secret in the matter. Mr. De Valera is criticised in many quarters. But as regards Ottawa at least it cannot be said that he is that kind of a fool. He is quite clear in his mind that however much he wants an Irish Republic, he does want Ireland to be in the Ottawa system of preferences. And it is a very remarkable thing that not only did it never occur to him not to send his delegates to Ottawa, but in those taxes that he has imposed since the quarrel with England over the land annuities developed in order to attempt to save the financial situation, he has been very careful to give Great Britain and all the Members of the British Commonwealth a preference. There is only one opinion in the Free State amongst all parties that somehow or other, whatever may be the quarrel about the land annuities, they must come into the Ottawa scheme of preferences for the Empire.

Now, Sir, what would be our alternative? There is an alternative, and it might at first sight seem a reasonable one. We might say that it is extremely difficult to estimate gains and losses under this Agreement. Why should we not wait and see? If we wait and see, let us clearly understand it is not a case of postponing the operation of the Import Duties Act. Nothing can postpone the operation of the Import Duties Act, but it would be possible to wait and see and to carry on for a year or more. Let the duties be put in force against us and then we shall see at the end of that period what we are losing. The losses are not denied. I have read a good many criticisms . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member has already had 25 minutes. The Chair wishes him to conclude his remarks within five minutes.

**Mr. Arthur Moore:** Very well, Sir. I shall conclude immediately. The losses are not denied in any of these criticisms of the Agreement. There are suggestions that markets could be found elsewhere, but it is admitted that we should lose the benefits on 25 crores of tea and on eight or nine crores of tanning industry and on others. Well, I suggest that we are not in a position to do that. And the other argument that somehow

England is in difficulties and that England's difficulty is India's opportunity seems to me fundamentally incorrect. This is an attempt, first, at reconstruction in the countries of the British Commonwealth, where we are all suffering. Can anyone doubt the tremendous depression in India? Can anyone doubt that we are in a bad way? Beyond that, it is an attempt to relieve the whole world situation. We are all suffering together, and if we take the narrow view, if we suppose that somehow we have been "done", that our representatives whom we know and who are Members of this House, have somehow been fooled . . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is not addressing his Group; he is addressing the House.

**Mr. Arthur Moore:** I am addressing the Chair, Sir. If we take the narrow view, then I fear the inevitable result will be that in the coming times of difficulty we must be prepared to see our trade and commerce flowing through narrow and sandy channels, and not as a great river, full at all seasons and winding safely to the sea.

**Mr. B. N. Misra** (Orissa Division: Non-Muhammadan): Sir, yesterday you allowed us to discuss this issue on political, economic and other grounds. Sir, politics is a very vast subject and what appears to be very important in your opinion may not be so in the opinion of others and what may appear to be very important to a constituency or to a Member may not be so from the view point of another. In the present issue before us about the Ottawa Agreement, I have been always thinking the viewpoint of the Government. Sir, whenever India is concerned, *e.g.*, for the Geneva Conference, for the League of Nations, she has been pointed out as one of the most prominent Members of the League and Indian delegates go there to sign as if they are really the representatives of India. What we find in practice, however, is that they are only the nominees of Government or favourites of Government and are not the favourites of the people or the representatives of the people of India. As was observed yesterday, probably the British Government dictates and the Indian Government dittoes it. That is how the representatives go forward from India to sign these agreements which are thrust on us. There are also other matters which have been discussed for the last so many years, such as the question of central responsibility. This question has not yet been settled and it has not been taken serious notice of. Other things, such as the formation of the new Orissa Province for which we, in Orissa, have been agitating for over 30 or 40 years, have not been taken notice of and settled promptly. When such important questions remain to be settled, this Ottawa Agreement has been thrust on the Assembly for consideration. No time is allowed for us to consider the full implications of this Ottawa Agreement. We do not know whether it is beneficial to India or whether it is beneficial to Great Britain. As is well known, India is purely an agricultural country and we have enormous quantities of raw materials, such as linseed, groundnut, cotton, jute, castor seed and so many other things which are exported from India to other countries. We not only export to England, but also to other countries. The quantity

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that is exported to Great Britain is much less than what we export to other countries like Japan, America and Germany. I find from a report that we export linseed to the value of 451 lakhs to all other countries, whereas we export to Great Britain linseed valued at 110 lakhs. The export of groundnut to all other countries is worth 1,713 lakhs, whereas to England only 103 lakhs. Mark the proportion, Sir. If we give Imperial Preference only to England, what will be the fate of all our exports to other countries? (Hear, hear.) This aspect of the question has not at all been considered in the Ottawa Agreement. The same is the case with castor seeds. To all other countries, the export is worth 239 lakhs whereas to the United Kingdom, it is worth only 59 lakhs.

You will see from the items that I have just quoted that we are trading not only with Great Britain, but with other countries as well. Great Britain wants now preference. Of course if there is anything advantageous to her, she always grasps at it and wants preference. If there is anything advantageous to India, we are not allowed to enjoy that advantage. After she gets the raw produce from India, Great Britain makes them into finished articles, and exports them to India. India gets no advantage in the bargain; probably India has to pay 10 or 15 times more for the manufactured goods from Great Britain. This aspect of the matter has not been considered at all in the Ottawa Agreement. India being mostly an agricultural country, we have now to consider seriously whether we should not manufacture finished products out of the raw produce that we have got so much in abundance. Why should we at all export these raw products to England and get them manufactured into finished products there? Why should we not finish these in our own country? Then it will be beneficial to us. In considering the Ottawa Agreement, that should be our main consideration, namely, whether India could not get more benefit by retaining all the raw produce here and manufacturing them into finished articles here. We have all along been fighting for the right to manage our own affairs in the way most advantageous to India. For over 100 years and more, England has been taking all the best of our country and we were getting the worst. We are probably paying in some case 30 or 40 times out of the same raw materials that are being sent by us. We are just now lifting our head and we are just now trying to become a manufacturing country. We have established a few mills in India, and, with the advent of the new constitution, if we are given power to manage our own affairs in the way most advantageous to us, then we can become a great manufacturing country. They are now sitting at the Third Round Table Conference hammering out a constitution for India. We must know what kind of constitution we are going to get. We must know what powers we are going to get under the new constitution, whether we will be given a chance to manage our own affairs.

The Honourable Sir Joseph Bore should, in fairness, give us more time to study this Ottawa Agreement. He has been in the Government of India studying this problem for the past so many years, and we as laymen ought to be given more time to consult experts. This Ottawa Agreement has been placed in our hands only for the past fortnight and, in fairness, we ought to be given more time to consult business men and experts and see how this Agreement is going to affect India. It is not

right that the Government should, on the very day of the commencement of the Session, ask the House to pass a Resolution ratifying the Agreement without seriously considering its implications on the future well being of India. The Honourable Sir Joseph Blore has very thoroughly considered this problem with the help of so many experts in the Government of India and I wish that, in fairness, he should allow us more time to consider this question. Of course with the vast power vested in Government, they can easily hoodwink any Member and win over any Member to the side of the Government and they will run to the Government lobby and will cast their vote for Government. But what will be the fate of the dumb voiceless millions, 30 crores of them. What will be their fate if this Ottawa Agreement is ratified by this Assembly? We must have enough time to consider whether the Agreement will be beneficial to the masses of India. As far as I have studied this problem, I have come to the conclusion that the ratification of this Ottawa Agreement will not be beneficial at all to India, but it will be beneficial to England. If the Honourable the Commerce Member, who is an Indian, is true to the salt that he eats at the expense of the poor Indian taxpayer, he will do only that which is beneficial to India and he will not think of the British Government or the Britisher. He is paid by the Indian taxpayer and I hope he will not think of injuring the source from which he is paid, and where he gets his bread from. I mean no personal reflection against my Honourable friend. It is very unfair on his part to have asked the House on the very commencement of the Session to ratify an Agreement which bristles with so many complicated matters. I will only say in conclusion that the concluding of such an Agreement and enacting legislation thereon at a critical period at this juncture when the horizon is cast with political turmoil and when the question of transferring of powers to Indians is looming large would not be proper and desirable. I would urge Government to postpone the consideration of this question till the new revised constitution comes into force and India obtains a chance of expressing its clear opinion under the National Government. I trust that Government will postpone the ratification of the Agreement in this Session of the Assembly with the support of the official and nominated block and prevent the strong suspicion that has already been created in the public mind in respect of the economic motives of the United Kingdom in dealing with India in a one-sided manner. The following analysis of the Indian Agreement recently disclosed by the President of the Board of Trade, in the House of Commons, evidently shows how Great Britain will benefit at the cost of Indian industries and trade:

"The value of the Indian Agreement would mean an enormous increase in the activities of our houses exporting to India with a corresponding effect on the manufacturing centres in the United Kingdom."

From the Indian point of view the gain of the United Kingdom will doubtless be the loss to the Indian industries and a further reduction of the purchasing power of the Indian masses. Sir, in this view of the case I shall appeal to all Honourable Members to remember that while proceeding to one or other of the lobbies, the entire blame will lie upon them if they hastily come to a decision without considering this matter thoroughly and clearly. I personally support the amendment of Dr. Ziauddin Ahmed that it must be referred to a Committee.



**Mr. A. Das** (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Sir, there is no doubt that this question is of very great importance, and you, Sir, at the very beginning recognised that fact by allowing a certain latitude to the Members in the matter of the time limit. So far as this question is concerned, a decision on it will not be effective only for a particular period, but it will also bind the future constitution that will come to India, and it is from that point of view that I submit that it is of the utmost importance that this matter should be thought over in a cool and deliberate spirit and as far as possible mostly on economic grounds not tinged with political considerations. And after a decision has been arrived at, then only should votes be given. Any hasty step one way or the other would be likely to jeopardise the interests of India in the future. Now, Sir, there are certain preliminaries that have to be looked into in considering this question. We have to see that the relations of the United Kingdom with the Colonies are on a different footing from what they are with India. There is the United Kingdom and there are the Colonies, mostly self-governing Colonies, and they act and react on each other with equal rights of partners in the Empire. Unfortunately that is not the case with India. We are a dependent nation and we have to go according to the wishes of the British Government and, therefore, our difficulty is all the greater, because we have to examine this question from an independent point of view whether it will benefit this particular dependency or not. The Honourable the Commerce Member, in his opening speech, rightly divided his subject into three heads; firstly, why we entered into this Agreement; secondly, whether it will benefit India at all or not, and, thirdly, what is India going to lose. So far as the first point is concerned, there may be those reasons which the Commerce Member gave for entering into this Agreement, but, apart from that, the non-official Members on this side of the House cannot be blind to the fact that the members who attended the Conference at Ottawa were not representative members of this House. They were nominated by the British Government; They were elected Members of this House, but they were not sent by this House as their representatives to Ottawa. I do not cast any slur upon their merits or upon what they have done. My point is that they did not have sufficient opportunity to study both sides of the question. They were sent there on one month's notice. All the facts and figures placed before them, before entering into the Agreement, were supplied by the British Government or the India Office and they had not the time to consult the people interested in the trade and commerce of this country as to whether this Agreement would or would not be to their interest. And, in the absence of an impartial inquiry made by certain experts, in the absence of facilities to consult the various trading bodies in India in order to form an opinion, I submit, it is a point for consideration whether they may not have fallen into the error of being coerced to enter into this Agreement on behalf of the British Government. I, therefore, submit that so far as the two so-called representatives of this House are concerned, the value of their signatures is not much having regard to the fact that they did not have the time to study the question from all points of view.

Sir, I do not desire to tire the House by going into facts and figures for which I am not prepared and I have not got the ability either for it. The facts and figures which Sir Joseph Bhore gave may be correct or they

may not be correct. But what I submit for the consideration of this House is this, that the real test by which this Agreement should be looked into, apart from every other consideration, is whether it is beneficial to India or not. If the unanimous voice of this country is that this Agreement for the present and for the future will be for the benefit of India, certainly we will go ahead and accept it. If, on the other hand, there is no unanimity on that point, there will be some doubt as to whether it will benefit us or not. Where there is some doubt as to whether the gain or loss would be greater, I submit a point is made out for the consideration of this question by an expert Committee which will go into it minutely and give its decisive answer; and it will then be for this House to consider whether it should or should not ratify that Agreement.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, may I ask you whether it is fair to the House that the whole of the Treasury Benches should not, at the moment, be represented by a single Honourable Member of the Executive Council?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair regrets it, but the Honourable the Commerce Member who is in charge has left for a few minutes with its permission.

**Mr. A. Das:** May I continue, Sir?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Please go on.

**Mr. A. Das:** It is a pity that the Commerce Member has left, but I do not claim any special merit for what I am going to say and one of the reasons for the emptiness of the Treasury Benches may be that they do not attach any importance to what we on this side of the House have to say on this Agreement. Be that as it may, we will have done our duty if we bring all the facts that we can for consideration of the Members of this House. I was submitting that the real test about this Agreement is whether it will or will not benefit India; and in order to give an answer to that test, one way or the other, we have got a set of opinions on one side and a set of opinions on the other, to which I will presently invite the attention of this House. My submission is that the set of opinions, as far as the benefit to India is concerned, is very very doubtful.

Now, as far as the benefit to England is concerned and to the other Colonies, there is no doubt: we are all agreed that this Agreement will at once benefit England also the Colonies. The question is whether it is beneficial to India or not. The first thing to take up in historical order is the opinion of Lord Curzon. Preference was rejected in 1904. Then there is the opinion of the Fiscal Commission on which you, Sir, sat. They also came to this conclusion in 1923, that it will not benefit India. Apart from these opinions, as far as Indian opinion is concerned, it consists of those who are in a position to speak. I will point out the opinion of Mr. Birla who said in September quite clearly that this would benefit England more and India less. After that we have received the opinions of the three Chambers of Commerce which cannot be set aside by a mere twist of the head. First of all, I would refer to the Bengal National Chamber of Commerce presided over by Mr. Nalini Ranjan Sarkar. He

[Mr. A. Das.]

has given certain points which are printed at pages 46 and 47 of the Report. If you will permit me, Sir, I will give them below :

- “(1) The Agreement is restrictive in principle and practice.
- (2) India stands to gain little and to sacrifice much more.
- (3) The benefits to India are inconsiderable and problematic.
- (4) The benefit to Great Britain is much more definite and considerable.
- (5) It will affect adversely India's trade with other foreign countries, which form its largest group of customers.
- (6) It is likely to provoke retaliation by countries which are hit by preference to Great Britain or the other Empire countries.
- (7) For these reasons, it will only cause a redistribution of Indian trade and not increase the total volume of trade; in fact India's exports are likely to be reduced.
- (8) It will either reduce the margin of protection required for Indian industries, retarding the industrial development of the country, or else
- (9) It will impose an additional burden on Indian consumers by raising the prices of important articles for the benefit of British industries.
- (10) It will render our fiscal system inflexible, virtually destroying our fiscal freedom.
- (11) It will render it difficult, if not impossible, for India to negotiate mutually advantageous trade agreements or preferences with other countries.
- (12) It will make the Central Budget more difficult to adjust and result in more taxation.
- (13) It will isolate India economically, which is economically and culturally unsound. This is detrimental to our economic development and fraught with danger to our future economic stability.
- (14) It will greatly increase India's economic dependence upon Great Britain and confirm her political subjection to that country.
- (15) It is likely to be used as a sop or threat in political concessions. It should be noted that in neither case is there any great economic loss involved. Our exports to the United Kingdom are not likely to be restricted as she cannot well do without most of them—moreover 'being instrumental in sending large quantities of imports to us she would be compelled to take adequate quantities of our exports.'”

This is what Mr. Nalinj Ranjan Sarkar has said on the Ottawa Agreement and each one of those points should be looked into and replied.

I shall now take up the opinion of Mr. C. N. Vakil and Mr. M. C. Munshi who are Professors of Economics in Bombay and this is their conclusion arrived at not before the receipt of the Agreement, but after its receipt and consideration. They say :

“The conclusion is obvious that the report of the Indian Delegation and the Agreement go far beyond the scope of Trade Agreements, that they introduce novel features into the Fiscal Policy of this country, which were never contemplated, that they commit India to the principle of protection with discrimination in favour of British goods, that thereby they accept the position of a stunted industrial growth in India as illustrated by the Supplementary Steel Agreement based on the theory of Industrial co-operation. These are far-reaching consequences which cannot be lightly accepted even though they are coupled with the clause, that it is possible to terminate the Agreement by a six months' notice, because the power to denounce the Agreement at six months' notice cannot appeal to those who believe that it is economically unsound.”

On that point Mr. Raju yesterday made it quite clear that this six months' notice is of no use; because we have to remove it by a Bill and we all know how difficult it is to get an Act passed to amend another Act. So, this is Bengal and Bombay opinion. If we read through the

conclusions arrived at by the Indian Merchants Chamber and Bureau of Bombay, we find that they have also said ;

"In conclusion, my Committee would like to emphasise that the Agreement should be judged as a whole in its manifold consequences on the economic life and financial system of the country, because these are interconnected. The emphasis of the Delegation on only one single aspect, viz., the threatened loss of India's trade in the British market, gives an entirely wrong and warped perspective to the Agreement, and this must be deprecated as but a piece of propaganda in favour of British industry under the guise of the so-called protection of the interests of the Indian farmer. For, the Agreement does not at all protect his interests; it is calculated only to divert the trade of India from other countries to the United Kingdom. In fact, the probable loss to him in the reduced demand for Indian raw materials from other countries will be greater than the threatened loss to him in the British market in case of non-acceptance of the Agreement. Judging the Agreement as a whole, my Committee have no hesitation in pronouncing their conviction that it is not in the interest of the Indian farmer, not in the interest of the Indian businessman, not in the interest of the Indian manufacturer, nor in the interest of the general taxpayer. It is only in the interest of the British manufacturer, the British exporter and the British shipper. Truly, has the President of the Board of Trade in His Majesty's Government declared in the House of Commons that it will mean 'an enormous increase in the activities of our houses exporting to India with a corresponding effect on manufacturing centres in the United Kingdom.'"

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member will please conclude in five minutes.

**Mr. A. Das:** I will, Sir. Lastly there is the conclusion in the report of Mr. Gadgil of the Gokhale Institute of Politics and Economics. He says:

"We conclude, therefore, by emphatically stating that our bargaining position has not been properly used at Ottawa; that we have been committed to a general preferential policy which is entirely against the interests of India and that the whole agreement has been conceived and brought forth in a hurry for which there is not the least justification."

My point is, that in the face of all these opinions on the one side, what is the balance of evidence or opinion on the other? There is the assurance of the Honourable the Commerce Member and there is the assurance of the two members who went there, Mr. Chetty and Mr. Haroon, who had not all the materials before them. I submit that the balance of evidence is clearly on the Indian side; and, therefore, if any impartial person were to judge of this evidence together with that evidence, he will rightly come to this conclusion that the point has been made that this should be inquired into further; and, as my friend, Dr. Ziauddin Ahmad, has suggested, a Committee of experts and non-official Members should go into the question and decide within a month as to whether this Agreement should or should not be entered into. Lastly we cannot altogether ignore the political aspect of the question and I would conclude by quoting what you, Sir, have said in your minute of dissent in the Fiscal Commission. I feel no hesitation in saying that the considerations that applied then apply equally well at the present moment. This is what you said:

"To the Indian people their self-respect is of far more importance than any economic advantage which any Dominion may choose to confer by means of preferential treatment. We may confidently state that the people of India would much prefer the withdrawal of such preference as they will not care to be economically indebted to any Dominion, which will not treat them as equal members of the British Empire having equal rights of citizenship."

**Mr. S. O. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I do not propose to enter into the controversial points as to whether the Ottawa Agreement will be beneficial to India or not. My objection is mainly to the great hurry,

[Mr. S. O. Sen.]

the inordinate hurry, which the Honourable the Commeree Member is showing to pass this Resolution and to proceed with the consequential Bill which he has threatened to introduce and of which notice has been given here. What is the hurry about this matter? He himself, I understand, admitted yesterday that there is no need for hurry, as the Import Duties Act in England, although it may come into operation on the 15th of this month, will not be operative against India by virtue of this Agreement. If that be so, why should not there be an examination, a critical examination, of the principles involved in this Bill, or in the Bill to be introduced, or in the Resolution, or in the Agreement itself? It is the usual practice, Sir, in this country, for tariff reforms to be examined by the Tariff Board, and, then, after considering all their recommendations, to pass those reforms into law. That is the universal practice, and that has also been stated by Sir Atul Chatterjee at the opening speech which he made at Ottawa. I may be permitted, Sir, to read a portion of his speech which appears at page 56 of the Report of the Imperial Economic Conference at Ottawa, which was submitted to the Members here. I read from paragraph 5:

"The policy adopted by India aims at securing an ordered and balanced development and the avoidance of some of the dangers and difficulties to which protection sometimes leads. The industries selected for protection are only those which are considered to possess natural advantages that would enable them in the long run to dispense with State assistance. In every case the protective duty is only fixed after a careful examination by the Tariff Board at a level which will be adequate for its purpose without imposing an unnecessary burden on the consumer."

This is the principle upon which we have been acting all these years. Why should there be a departure in this instance, and why should you rush through a Resolution and then proceed with a Bill embodying the merits of the Resolution and the Agreement which has been signed by these representatives at Ottawa? Our fiscal system is different to that of the other parts of the world. We want to encourage our home industries, and, for that purpose, we want to have tariffs which will enable those industries to survive the foreign competition and nothing more. But why should we now be called upon to put a tariff on things about which there is no fear of any competition, except the imaginary fear that something else would be done against us. Take the case of jute and lac. In these two articles India has got a monopoly. The Government think that if we do not enter into this Agreement, they will use other classes of materials which may compete with jute. Sir, I have been hearing this threat for the last fifty years. We heard, when jute was being sold at a very high price, when gunnies were being sold at a high price, that the United States of America, which were one of the largest buyers of Hessians, were thinking of introducing other classes of materials to replace jute. That was 50 years ago, but all these years they have been purchasing very largely jute and gunnies and Hessians from India. The same is the case with regard to lac. We have also been hearing that there are other cheaper materials which might be used, but up till now we have not seen any substitutes. Therefore, what is the danger that we need fear about, and why should we rush through this measure? I for one cannot understand. If we are to enter into this Agreement for the benefit of India, whether for her gain or to minimise the losses, I do not see why there should be such a great rush in the matter. Why should not the matter be examined? I understand that the Dominions and other Governments who were invited to Ottawa

had this question examined by experts long before the day of the meeting. Was that done in the case of India? Were the Indian Delegates given any opportunity to calmly consider the position, to think of what they were doing? They were rushed there. The sword of Damocles was hanging over their heads. The provisions of the Import Duties Act were flourished before them and they were told that unless they entered into this Agreement at once, the Act would come into force from the 15th of November. That was the fear which succeeded in getting our Delegation there to submit to the wishes of the British Delegation.

Now, although the Honourable the Commerce Member says that there is no chance of the Import Duties Act coming into operation on the 15th of November, my friend, Mr. Arthur Moore, whom I am very glad to see back here again, has also explained to us as to what would happen to India this day. Probably India will go down the bottom of the ocean if we do not accept this Resolution—I do not know. But, Sir, we have survived all these alarmist fears, all these alarming threats, and I think we will survive them in spite of all alarming threats. Under these circumstances, as the question has not been examined by an expert Committee, I do not see why the matter should not be referred to our expert Board, I mean the Tariff Board, who were always consulted before any tariff reform was effected, and why should not there be some delay in dealing with the threatened legislation?

**Mr. G. Morgan** (Bengal: European): Sir, in rising to support the Government Resolution, I would like to point out that even although there has not been very much time to study, what is called by other speakers, the details of this Agreement, I personally have found ample time to study them sufficiently to give my support for ratification. My friend, Mr. Arthur Moore, has said that the real test of what our views are on the details, will be known when the Tariff Bill is placed before the House. If it is referred to a Select Committee, so much the better, but, in any case, whatever happens, there is not one item in that Bill, when it comes before us, which will not be scrutinised and cut to pieces if we consider it necessary . . . .

**Diwan Bahadur T. Rangachariar** (South Arcot *cum* Chingleput: Non-Mahammadan Rural): May I ask the Honourable Member one question before he proceeds further? Can we judge on the merits of this question without those tariff proposals? Can we really come to a right conclusion on this question without knowing what the tariff proposals are going to be? Suppose we reject the tariff proposals later on?

**Mr. G. Morgan**: I would say in reply, I do not consider that that affects the actual question of the ratification of the preference proposals. How that preference will be effected is what we have to decide when the amendment to the Tariff Act is brought before us. Whether we agree with that method or not is another question. I consider that, in the question of this preference, we are looking, not for an increase in the duties on non-British goods, but are looking for a reduction of duties on British goods. This is the only way which will bear out the arguments advanced at Ottawa that the inter-Empire consultation would be the beginning of arguments in favour of a reduction of tariffs generally, which, it is hoped, the World Economic Conference will ultimately decide upon.

[Mr. G. Morgan.]

And, as far as I understand, the British statesmen, the members of the Delegation from Britain, put that more or less in the front rank. We cannot tell what will be the position of each individual item until we see the actual duty which the Government of India propose; when that is before us we will decide as to whether that particular item should be on Schedules or not. As far as I can gather, the reason for the so-called "hurry" is that we will have duties of ten per cent. against us on the 15th November unless we ratify this Agreement. I do not take that as coercion; I do not take that as a bamboo at all. The United Kingdom has definitely changed its fiscal policy and we cannot get away from that position. If we are to gain any benefit from the position which has been created, there is no question to my mind but that we ought to ratify this Agreement.

I should now like to make a few remarks about the Delegation. Some Members have stated that the Delegation did not represent this House. But let that pass. From information, which I have, the Indian Delegation stood out amongst all the Delegations at Ottawa, and I have been informed by people who know, that the efficiency displayed and the information supplied, by our Delegation was ahead of any other Delegation at Ottawa (Cheers.) That does away with any idea that the representatives were rushed to Ottawa, hit over the head with a bamboo and compelled to sign the Agreement. That, I do not think, was the case. Another point. I think you will all agree that India's Tariff Board is, and has been a great success in the working out of our protective duty policy, etc. That Board, I may tell you, has been looked upon as a great success and is being recommended by Great Britain and will be adopted by other Members of the Commonwealth. I think, that is a great feather in the cap of India. Anyhow we have advanced more than other Members.

In all these many pamphlets, that we have received, very interesting, but not conclusive,—in all those pamphlets and all those conclusions which have been come to by others, it seems to me that they have gone on the basis that the ten per cent. preference means a rise of ten per cent. in duties all round. I do not take it as that, and, if the Tariff Bill is made out on that basis, we shall have something to say. But I would like to go back to what I have said before, and that is that it is a world recovery that we want. It has been definitely stated that this Ottawa Conference is the thin end of the wedge, and that we will be able to go before the World Economic Conference with a nucleus of countries who are determined to break down tariffs as far as is possible. Other countries in Europe have already suggested that they might come into this Empire Agreement. We hope that the World Conference will be successful. The statements made by Sir George Schuster and Sir Henry Strakosch at Ottawa bear out what I have just stated regarding the Ottawa Agreements and the World Conference. Everyone is looking for the World Conference in its attempt to solve the present position. In connection with the Agreement, there is a supplementary agreement regarding iron and steel, and that I whole-heartedly support. I will not go into figures at this stage, but I have no doubt in my mind that that arrangement will be a great benefit to India. It will be a great benefit to the unfortunate position of pig iron, it will be a great benefit to the unfortunate position of coal, and it will be a great benefit to the more unfortunate position of our railways, and, I am sure, the Member in charge of the Railway Department will be only too glad to see some more

money coming in. But the main point is, as pointed out by my Honourable friend, Mr. Arthur Moore, that the United Kingdom's fiscal policy is entirely changed. It is no good harping back to 1904, or 1921, or any of those other dates. The fact is, the position is entirely changed now. Since 1929, we are faced with a different world and we have got to change our opinions. In connection with the Fiscal Commission Report, we had many discussions in Simla, and a great part—I do not say all, but a great part,—of the report of that Commission is now a back number.

I would urge Honourable Members of this House, apart altogether from all these pamphlets and conclusions that have been put forward—I would urge them for their own sakes to ratify this Agreement, and to **hold back detailed criticism** until we see what the Government of India propose to put before us in the shape of an Indian Tariff Amendment Bill.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

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**Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadian Rural): Sir, I have listened very attentively to the speeches of my Honourable friends opposing the motion who have preceded me and I am constrained to say, especially as regards those gentlemen who have moved amendments, that they are talking of things which they have not at all understood. In the very first place, every speaker, who has opposed this motion, has been talking as if this Agreement was a part of a policy of *Imperial Preference*. Nothing can possibly be farther from the truth. The Agreement is part of a policy of *reciprocal preference* which has come into vogue now after England decided to leave off free trade. This misunderstanding of the whole position is responsible for many erroneous statements made on the other side of the House and, I believe, it has been induced by a reading of a certain propagandist pamphlet the arguments of which my Honourable friends on the other side seem to have adopted as their own. (Mr. B. Das: "You give us a little credit.") Even if this Agreement were regarded as part of a policy of Imperial Preference, the remarks addressed against it by the other side are not justified by the authorities which they say support them. My Honourable friend, Mr. Das, purported to base himself on the authority of the Fiscal Commission. I hope to show to the House that my Honourable friend has been misreading the Fiscal Commission's report and the minute of dissent which he cited as his authority. As I said, this Agreement is part of a policy of reciprocal preference. Our Delegates at the Ottawa Conference have not committed us to a policy of giving England or any other Member of the British Commonwealth anything which is not in return for something given by either England or the Member of the Commonwealth concerned. It is a policy of *quid pro quo*. It is not a policy of receiving on one side and giving on the other side and that will be abundantly clear from the report of our Delegates at the Ottawa Conference.



[Mr. N. N. Anklesaria.]

I would say a few words about the amendment moved by my Honourable friend, Mr. Das. He bases his arguments against the report not on any grounds which are relevant to the present discussion, but which are wholly irrelevant, as regards the question which we are discussing today. Mr. Das stated that till India gets an equality of status, India should not enter into any such Agreement as the present one, should not, as he said, accede to the principle of Imperial Preference and he cited, as his authority, the minute of dissent to which you, Sir, were the most prominent signatory. The minute of dissent, contained in paragraph 44 on page 166 of the Fiscal Commission's report, says:

"We will now summarise our conclusions in regard to the Imperial Preference. We are in favour of the principle of Imperial Preference on the distinct condition that India should *in this matter* be put on the same footing of freedom as is enjoyed by the Self-Governing Dominions."

If my Honourable friend had emphasised the words 'in this matter' I think the House would have understood his meaning, but, by failing to emphasize those words, he possibly created a misunderstanding in the House that it was a status of political equality that was meant by the dissenters in the Fiscal Commission's report as a condition precedent to India entering into Agreements. As I have read the words, it is abundantly clear that nothing of the sort was intended either by the dissenting minute or by the report of the Fiscal Commission itself. Then, Sir, I will also cite the Fiscal Commission as my authority in support of this Agreement. The Fiscal Commission, on page 119, paragraph 262, lays down three Conditions by which the desirability of a particular Agreement for Imperial Preference should be judged and they are, in the first place, that no preference should be granted to any article without the approval of the Indian Legislature. It is for the fulfilment of this condition, that the present Resolution is brought before the House. The Agreement is put before the House for its approval and thereby the first condition laid down by the Fiscal Commission is satisfied. Secondly, no preference given should in any way diminish the protection required by the Indian industries. Now, Sir, if my Honourable friends had read the report, they would have found that our Delegates have seen to it that no Agreement, they could have possibly entered into, would in any way infringe the condition laid down by the Fiscal Commission in this respect. None of the industries which we have protected in India in any way suffer any loss as regards the protection accorded to them. Thirdly, the condition is that the preference should not involve any appreciable economic loss to India after taking into account the economic gain which India derives from the preference granted to her by the United Kingdom. Now, as regards the fulfilment of this condition, opinions may differ, and it is most natural, because this Agreement is not given time for operation. Before the Agreement is accepted and acted upon, nobody is in a position to say what India would actually lose or what India would actually gain, and it would be for the Honourable Members who oppose the motion to show conclusively to the House, if they possibly can, how and to what extent India is going to lose under this Agreement. I say, it is impossible.

**Mr. Laichand Navalrai** (Sind: Non-Muhammadian Rural): You are wrongly changing the burden of proof.

**Mr. N. N. Anklesaria:** You are a lawyer and you ought to know it.

**Mr. Lalchand Navalrai:** It is therefore that I tell you.

**Mr. N. N. Anklesaria:** Now, of my Honourable friends, one gentleman is a Professor of Mathematics, another knows nothing about trade and commerce and is not a Professor of Economics or Mathematics.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): What about yourself?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order.

**An Honourable Member:** He is an expert.

**Mr. N. N. Anklesaria:** And the third gentleman is a Civil Engineer. (Laughter.) They have pitted themselves against the considered opinion of men like Sir P. Ginwala, Sir George Rainy, Mr. Shanmukham Chetty and Seth Haji Abdoola Haroon (*An Honourable Member*: "Hear, hear." "Three cheers!"). most of whom have made the subject their life-long study. (Ironical Cheers.) I challenge the other side to name one gentleman of the repute of Sir P. Ginwala as an expert on tariff questions outside . . . . .

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Outside what?

**Mr. B. Das:** We accept the challenge.

**Mr. N. N. Anklesaria:** I think my Honourable friends who require an expert Committee to give us their opinion on this Agreement could not possibly have found a better expert Committee than our Delegation to the Ottawa Conference. (Hear, hear.) If they can, I challenge them to name some of the members of the proposed expert Committee. Names have indeed been proposed by the Mover of one of the amendments, and it is for the House to judge whether the names proposed in any way affect what I have already said on the present question. Now it has been said that our Delegation to the Ottawa Conference was not a representative Delegation, that it did not represent the people of India.

**Sir Muhammad Yakub:** Nobody said that they did not represent the people of India. It was said that they did not represent the Assembly.

**Mr. N. N. Anklesaria:** In the first place, it is not the Delegation on which we have to give our verdict: we have to give our verdict on the work of that Delegation (Hear, hear), whether that Delegation was composed of X, Y and Z or P, Q and R is absolutely no matter for the House to consider; and judging the Agreement on that basis, it is up to the other side to point out in what manner and to what extent that Agreement is injurious to the interests of India. I would ask the House not to regard it as an Agreement between England and India, an Agreement in which it is said one side occupies a preponderatingly influential

[Mr. N. N. Anklesaria.]

position. I would ask the House to regard the Agreement as an Agreement between India and any other foreign country in the world, and judge that Agreement by the ordinary test by which Agreements are judged, namely, the advantages which accrue to one side or the other on the basis of that Agreement. Now I am not going to pursue this topic in detail, because, as I said, nobody is in a position to dogmatize on the effect of the Agreement as regards gain or loss to one side or the other in the absence of reliable statistics collected after the Agreement has come into operation. An example of the fallacy into which one falls by relying on statistics is furnished by the very pamphlet on which my Honourable friends rely. I refer to the pamphlet by Mr. C. N. Vakil and Mr. M. C. Munshi. That pamphlet and the arguments contained in it purport to be based on the statistical tables given at the end of the pamphlet. Now it has been pointed out that these statistical tables are erroneous and highly misleading and the authors of the pamphlet themselves have admitted that their table I, and their table V, which are some of the most important tables, are erroneous and they propose to make alterations and amendments in a supplementary pamphlet.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member will have to conclude in five minutes more.

**Mr. N. N. Anklesaria:** Very well, Sir. Then the pamphlet contains table IV, and it is headed, "Articles of import into India under the Ottawa Agreement". Now, anybody who peruses that Agreement and the report of our Delegation will find that cotton and cotton goods are specially excluded. But what do we find in this pamphlet? The very first and the second items are "cotton piecegoods" and "cotton yarn" which amounts to £35 million of the imports, that is, nearly 50 per cent. of the whole of the imports from India into the United Kingdom. I say a pamphlet based on such fallacious statistical tables cannot possibly be cited as an authority in support of the disadvantages which, my Honourable friends say, would accrue to India if the Agreement is ratified.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to let me know on what page they have admitted that these tables are wrong?

**Mr. N. N. Anklesaria:** You will find in the *Times of India*, dated the 29th October, at page 5, that Professor Vakil himself has admitted that. Sir, it is said, what is the hurry about ratifying this Agreement? The Honourable the Commerce Member has admitted that there is no crucial date now concerned. He said that 15th of November was no longer a crucial date. I admit, Sir, that the 15th November is no longer a crucial date, but the crucial date will be the date on which the division will take place in this House on the present motion. That would be the crucial date, because England will then know whether India is going to stand by the Agreement or not: and if England is convinced that India is not going to stand by the Agreement, then it would be stupid for India to expect that England would continue the preferences which India has been granted under the Import Duties Act. The result would be that the place which we at present occupy will be taken up by our actual or

potential competitors and that place, once occupied by our potential and actual competitors, will not be easily vacated by them and, as Sir P. P. Ginwala has pointed out, the effects to at least one of our key industries—I mean the pig-iron industry and to our agricultural industry—will be disastrous. I would just give you three instances. There is the case of linseed. It is a very important item of trade with England and if we refuse to ratify the Agreement, England will have to accede to the offers and proposals about the linseed trade made to her by Argentine. Secondly, Sir, as I said, there was the pig-iron industry. Then we have the industry of agriculture. As Sir P. P. Ginwala has said, the effect on our agriculturists and on our key industries will be disastrous and if my Honourable friends on the other side are prepared to contemplate such a prospect with equanimity, I say that equanimity will be the result not of reason and enlightenment but of prejudice and ignorance.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, the Honourable gentleman who preceded me referred to the iron and steel industry and spoke of pig-iron as an industry. The iron and steel industry, which is represented by the Tata Iron and Steel Company in this country, came to this House for a good deal of protection which we very gladly granted, for we wanted to protect and increase the iron and steel industry, so that we may attain the same stage of perfection in regard to iron and steel industry as other industrial countries in the world have attained. But what has happened under the Ottawa Agreement? What has happened under the general Ottawa policy? A policy has been introduced much against our wish which is a policy of crippling the development of the iron and steel industry. Sir, as an old industrialist and as one who has contributed a good deal to the industrial regeneration of this country both practically and in the beautiful and immortal words which you have used as a member of the Industrial Commission, Sir, you have pointed out how Indian industries must be protected and how Indian industries should be developed—a contribution which will not be forgotten by this country and a contribution which will be remembered by future generations who, I am certain, will live up to the expectations that you have raised in your life-work as well as writings. And what is that expectation? It is that India must stand upon her own legs, industrially speaking. When the Tata Iron and Steel Company was given protection by us, we did not say and we did not want that it should be said: “Thus far shalt thou progress and no further”. But, under the Ottawa Agreement, an arrangement is reached that thus far shall the Tata Iron and Steel Company progress and thus far shall our steel and industrial progress be reached, and no further. Time was, as every student of industrial life and history of this country is aware, when we were importers into England and other countries purely of raw material and when the industrial policy adopted in this country, as recorded by the historian, Hayman Wilson, was regulated for the advantage of England and not for the development of a manufacturing people in this country. I do not want to go into that troublous and sad history and how our industries went out of existence for the very simple reason that we had not the right of controlling the industrial policy. We were responsible, under the Constitution, to a Government which had the interests of their own people at heart. Authorities for this need not be quoted at present for the simple reason that they are familiar to almost every Member in this House. Today England, progressing with the times, is quite willing

[Mr. C. S. Ranga Iyer.]

to adjust and alter her ancient policy. An age of industrialism is on us and in this industrialised and industrial era in this country a new policy and a new principle is enunciated under the Ottawa Agreement. You will find that policy in paragraphs 113 and 144 of the report that has been presented to us and that policy is embodied in these two cryptic words—"Industrial Co-operation".

Under the pretext of industrial co-operation we are told that the Tata Iron and Steel Company should export to England sheet bar and not produce galvanised sheet, so that a limitation is put upon our industrial ambition. Sir, their exact words are these: "While industrialisation must increase and expand in the less industrialised countries,"—a pious wish and a wish that is presently defeated,—"the more highly industrialised countries must adapt themselves to ever-changing conditions by means of increasing specialisation".

Why, I ask, should not the Tatas devote themselves as well to industrial specialisation? Why should not the Tatas produce galvanised sheet (*A Voice*: "More and more") *more and more* as the Honourable friend to my left Diwan Bahadur Rangachariar correctly adds. We must produce galvanised sheets in this country, but we are told we need not produce them. We will be supplied with galvanised sheets, just as we were told in another era that we could send raw materials and receive finished products. Now, in this industrial era, when we have not yet reached the highest perfection, they say, "You need not reach the *ne plus ultra* of industrial progress. We shall give India finished products, give us your semi-finished products". Sir, every industrial patriot in this country will say "We want to be industrially self-dependent. Economically speaking, we want to stand on our own legs". Under the Ottawa Agreement, we are denied that opportunity. Economically speaking, we want to stand on our own legs, because India is in the peculiar position of a country which resembles no other country within the British Empire. It resembles a country outside the British Empire, in the multitude of her thrifty people, in the vastness of her industrial wealth and economic resources and that country is the United States of America. We would rather follow a self-dependent economic policy, but our friend, Mr. Arthur Moore, comes forward and tells us that the industrial policy of England has altered. I agree that the industrial policy of England has altered and Mr. Morgan, who followed Mr. Arthur Moore, told us that the United Kingdom had definitely changed her fiscal policy. I agree that the United Kingdom has definitely *for the present* changed her fiscal policy, definitely so far as the present Government continues to be in power, but I refuse to be tied down to the chariot wheel of the Tory policy of "industrial co-operation" (Hear, hear) as they call it. Why, I ask, should we be victimised to a fiscal policy to which Great Britain is committed? This fiscal policy is certain to change later on, for even my Honourable friend, Mr. Arthur Moore, with his great knowledge of English political life, will not prophesy that this fiscal policy has come to stay and that the Tories will be permanently in power. In that case, England will be drifting into a kind of Tory Fascism and all talk of democracy and Mother of Parliaments will become something of a dream. That that Tory Fascism is not going to materialise is indicated by the fact that men like Lord Snowden, who made the present Government

what it is and who contributed to putting the present Government in power, men like Sir Herbert Samuel have resigned from the Cabinet on this Ottawa question.

When great Englishmen, who made the nationalist policy in England possible, resigned on the ground that the Ottawa policy was wrong, that the very foundation of that policy was false, surely it does not lie in the mouth of English friends in this country to come and tell us "Follow that industrial policy denounced by the best of our own countrymen" and I dare say it will be denounced in the fulness of time by all the English people themselves.

**Mr. F. E. James** (Madras: European): May I put one question to my Honourable friend? Is he aware of the fact that Sir Herbert Samuel, in addressing the House of Commons on the Ottawa Agreement, pointed out that if all the provisions of the Ottawa Agreement had been on the same basis as the terms relating to the Indian Agreement, most of his objections to the Agreement would have been removed.

**Mr. C. S. Ranga Iyer:** I would ask my Honourable friend another question, though this is hardly question time. (Laughter.) Sir Herbert Samuel wrote a letter of resignation which he communicated to his chief, Mr. Ramsay Macdonald. Has my Honourable friend read that letter of resignation? My Honourable friend nods his head indicating he has read that letter of resignation. In that letter, Sir Herbert Samuel very clearly states why he resigned. I shall read out for the information of the House the reason why some Cabinet Ministers resigned over the Ottawa issue: "The British Delegation went to Ottawa with the declared intention of increasing inter-imperial trade and securing a general lowering of world tariffs. We had their assurance that nothing would be agreed to which hampered our freedom to negotiate with foreign countries for the lowering of tariffs. They have come back after weeks of acrimonious disputes and sordid struggles with vested interests with Agreements wrenched from them to avert a collapse of the conference and exposure to the world of the hollowness of the talk of imperial sentiments in economic matters". (Hear, hear.) This is the view of Sir Herbert Samuel as expressed by Lord Snowden for all those who resigned from the Cabinet. Sir Herbert Samuel himself, in his letter of resignation, made it perfectly clear that he was not and will not be a party to the Ottawa policy. The Ottawa policy was directed against the present troubles coming out of world depression. In his speeches delivered outside Parliament Sir Herbert Samuel said that the Empire was an important part of the world and if the Empire countries came to an agreement and excluded the world from that agreement, it might be from the Tory point of view possible to increase the Empire prosperity up to a point, but to the same extent it would be affecting the rest of the world-customers with the Empire itself. You cannot cause a wave in the ocean without causing a hollow somewhere else, and every student of economics will be able to tell you. Sir, that if the rest of the world is excluded from an economic agreement, the capacity of that world for purchase is lowered, and the depression in that world is made deeper, and being a part and an important part of the world, nearly half the world, the economic depression in the world reacts upon the Empire itself and consequently the Empire will suffer. (Hear, hear.) But, Sir, in answering these interruptions, I am naturally taken away from my own argument which I would have liked to develop in the limited time

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before me. I am very willing, even at this stage, to attack them on their own grounds. The Honourable the Commerce Member also reminded us of Parliamentary statements, though he conveniently forgot to tell us what Lord Snowden wrote to the Prime Minister and why he and his colleagues including Sir Herbert Samuel resigned.

As for a particularly unfortunate statement of Sir Herbert Samuel, it is all well and good for him to refer to a particular aspect which is excluded from the Ottawa Agreement, because it is not so good for England and not so bad for India. To that extent I am willing to admit that the Ottawa Delegation had not played false to India for the simple reason that even my Honourable friend, Mr. Chetty, could not have gone against the interest which is dear to his heart, namely, the cotton interest. Sir Herbert Samuel had the interest of Lancashire at heart. It is too late in the day to think of suppressing our own industries. But, Sir, my quarrel with the Ottawa Delegation is about the choice of goods for preference. My quarrel with them is that they have bungled in their choice. For instance, on what matters have we been given preference? We have been given preference in regard to articles in which we needed no preference whatever. What is the object of preference? What is the object that the Tories have at heart? The object is to push on British trade. But, in matters like tea, in articles like jute where we need no pushing forward, we have pushed ourselves forward into the British market without any preference. In such matters, where we hold the field, we are told that we have been given so much preference. I can understand the talented Leader of the House—I mean the Commerce Member who will be the Leader soon—telling us with all humility of a self-effacing “novice”, —novice he is certainly not,—with all the humility of a layman which, again, he is certainly not, but I can explain why he tells us with all his warmth and with all the heat, “Do you dare to call it a bluff”: he is importing heat, because light is lacking. There was almost lightning when he told us, “Dare you call it a bluff”. I can well understand him waxing eloquent on that particular matter, because that is the weakest link in the preference chain. To give preference to tea and not exclusive preference either because we have a co-sharer in that preference and that co-sharer is our neighbour, Ceylon, to give such a half-hearted preference is no preference at all. And, then, he said, look at how Java is threatening to compete. Sir, the limitations of Java competition must be more fully explored by the Honourable the Commerce Member. I do not believe that Java is yet in a position to push herself into the British market and replace our tea even though the pistol of preference may be set against us. Then, I may also say one other thing, that the present Tory Government would not have dared to impose a preference against us in regard to tea, because they are not like my Honourable friend opposite “non-responsible” in the Parliamentary sense. They have got a constituency, they have got several constituencies. They have to go to their people and in every English home tea is consumed and an increased tea-tax there will be as odious as the salt-tax in India (Hear, hear); and if these Tories ventured to go to their constituencies with this additional tea-tax, they would be swept out into the lap of Mr. Snowden, Sir Herbert Samuel and the Labour Opposition. That being the case, I can understand my Honourable friend saying, have they not taxed or at any rate threatened to tax the Dominions, have they not said that they would do likewise with the Dominions? Why should they hesitate to do so even though their Imperial cousins in

India are tea planters? That is not my line of argument at all. They would not have taxed, I say, because they could not have gone out of office so soon, at any rate they would not have liked to go out of office so soon.

Sir, my friend, Mr. Moore, enlightened us about what he heard from the lips of Mr. De Valera himself. I should have been surprised, had Mr. Moore not taken the opportunity, as a great journalist that he is, to come into contact with the leader of the Irish Free State, and not only as a great journalist in this country, but also as an Irishman deeply devoted to both sides of Ireland because he lives on the border land. (Laughter.) Sir, I find my Honourable friend nodding in agreement because he is neither too much Ulster nor too much Free State. He is betwixt and between, an Irish border-man and naturally he is pleased with the idea that the south of Ireland is not, according to Mr. De Valera, to be deprived of the benefits which the north of Ireland is going to reap, namely, the benefit of the Ottawa policy. But Mr. Moore forgets that Mr. De Valera's Ireland is a free country; and we in the same position,—as you, Sir, pointed out in the memorable note you wrote on the Fiscal Commission report,—we in the same position would not have taken the intransigent attitude of Mr. De Valera on political grounds. Whatever objection we might have urged or whatever agreement we might have reached would be entirely on economic grounds, and even though not in the same position, I have been urging today no political arguments at all. I am quite willing, as I say, if you can convince me that your Agreement is going to do us good, to consider the matter and improve the trade. But no case has been made so far either by Mr. Moore or by the late Leader of the European Party, very much alive in this House (Laughter), Mr. Morgan.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member will please conclude in five minutes.

**Mr. C. S. Ranga Iyer:** 'Thank you very much, Sir, for your telling me that I have five minutes more and I will conclude within these five minutes.

Mr. Morgan referred to world recovery. He said, we want world recovery; and that is exactly what Mr. Snowden said. He objected to the Ottawa policy, because it was directed against world recovery. What we want is Indian recovery (Hear, hear), because India has 1/5th of the world's population. And how can you have Indian recovery if you do not look at the Indian question through the same spectacles through which the late Lord Curzon looked at the Indian question when he was entrusted with the responsibility for India? What Lord Curzon said in 1903 about the danger of "reprisals" from non-Imperial and non-English nations holds good today. For, before the war, England had a large percentage, 70 per cent. or more, of the Indian imports. Today the English imports into this country have shrunk to nearly 37 per cent. or so of the total imports. That being the case, may I ask in all humility, the same humility with which the Honourable the Commerce Member spoke,—blessed are the meek for they shall inherit the votes (Laughter)—may I ask, with the same humility, why we should not take a purely straight view of things and not visualise, the Commerce Member conveniently refused to visualise, what effect this will have on the foreign



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nations, our most important customers? Giving preference for goods like jute in which we have a monopoly, giving preference for tea which has captured the British market, we are asked to give preference to British goods to push out other goods, forgetting that this policy might act like a boomerang. Sir, I object to the Ottawa policy, because of the boomerang consequences that policy involves. (Applause.)

**Mr. Jagan Nath Aggarwal** (Jullundur Division: Non-Muhammadan): Sir, the Commerce Member took us into a few secrets of this Agreement, but I am afraid he did not let us into all the secrets of this pact. He went into some of the details of this Agreement and assured us that some part of the population of this country would be a gainer if this Agreement is accepted. He told us particularly about tea, about linseed and some other things in which India is likely to benefit by the English market being thrown open to India on preferential terms. I will presently examine the extent of this claim and the justification for it. But one part of it was safely omitted, and, I submit, with all respect, that that part was the real crucial determining factor in the light of which we must accept this Agreement or hold up our hands. I particularly invite the attention of the House to this aspect of the proposition which has been put before the House by these Benches. We are not asking the House at this stage to reject the Agreement. We are only asking the House to consider it and obtain the opinion of experts and to see whether this Agreement will in the end be good for India or not. After all, as the Honourable Member opposite was pleased to tell us, he approached this question as a layman. We are most of us laymen and, in a matter of this kind, in which such huge issues are involved, would it not be well to take the opinion of experts, so that the claim, which has been put forward from these Benches for a cool and dispassionate examination of this Agreement, may be tested and examined? The point to which I was coming was, if India is going to get a certain favour in the British market, we must give something for it. What is it that we are giving? We are giving to England the right to send her goods into this country with a preferential tariff. That is a question which requires a little examination. We all know, perhaps we know it too well, that the budgetary position of this country has been balanced or sought to be balanced with the help of a tariff—manipulation of the tariff. We are raising about 50 crores of rupees by taxation in that quarter. If that is so, how are we going to let English things in without altering our Tariff Act and upsetting our budget? Either we must raise taxation on goods from other countries or we must lower the taxes on English manufactured goods. Now both these processes are likely to mean money, to mean cost to the Indian consumer. If that is so, we might well have been told how India which aims at industrial independence, India which aims to be an industrial country, which aims to have her raw produce converted into finished articles in this country, how India is going to gain in this process. To be told that our tea will go into the British market and be welcomed there, is poor consolation for being told at the same time that for all generations to come, you will be only exporting raw produce and will be only sending your raw skins and hides and linseed and other things to England and other European countries and never be an industrial country. Up till this time the industrial development of this country has been postponed—has

been talked about, but never seriously taken in hand. Now, we are told that for all time to come we had better be content with the position we now occupy, that industrial development shall be under the conditions which England is going to introduce, that the most powerful industrial country will have a certain preference and we should live or die as best as we can under that tariff wall. I submit with all respect that that aspect of the case has not been at all adverted to.

I submit also that another part of the subject has not been looked into. We were told that we will have a favourable market in the United Kingdom. Grant, for the time being, that our hides and skins and linseed and other things will go into the British market, as they are free from tax there. We are not being appealed to on sentimental grounds. I do not think sentiment plays any part in the settlement of such matters. It is, after all, a business deal. Suppose your hides and skins are diverted from Antwerp and Hamburg and go into England. The Ottawa spirit is satisfied. You may say so much goods have gone into the British market more than they used to go there before. But what is the gain to us? The real point to consider there is whether it will develop our trade in a particular commodity or whether it only means that goods which we are sending to Antwerp and Hamburg will go to some other place. That would not amount to an improvement in our trade. Has anybody gone into the question at all? As has been pointed out by previous speakers, there are a good many commodities with regard to which we have a kind of monopoly or practically the supply of which is such that other countries cannot successfully compete with us. Take the case of tea itself. Java production of tea is not such a serious factor that it will put our tea out of the market. We may have more competition from Ceylon than we may have from Java; and, for the matter of that, in hides and skins even if the supply from certain quarters is taken in, we may be still remaining in the market. I claim that so far as these intricate questions are concerned, no attention has been given to that part of the subject, and I submit that it would have been just as well if the spirit underlying the amendments brought forward had been accepted by the other side. If I may say so, the real reason for the hurry, with which this Agreement is sought to be rushed through, is that the 15th November was a crucial date and that the advantage that we were enjoying under the Import Duties Act would be likely to be lost if we did not pass this Bill. Now, with regard to this, it has been pointed out that the 15th November has ceased to be a crucial date. But I go further. As has been pointed out in the report of this Delegation, they somehow or other consider the whole case from the point of view of what India was going to lose if she did not adopt the Agreement, rather than from the point of view of what she would gain if she accepted it. My learned friend, Mr. Anklesaria, from that quarter, in a kind of legal argument, put it: "Have you shown what India is going to lose if this thing is passed?" There was an interjection from this quarter: "The onus is wrongly placed". But onus in the legal sense need not trouble us. My friend here was right when he said that the onus is wrongly placed; but let us look the thing in the face. You are asking us to upset the present arrangements; it is for you to make out a case that the new arrangements would be so very beneficial. Whoever heard of a person, who wants to upset the balance of things and upset the *status quo*, to require the other side to prove that it would not be harmful to you? That is what Mr. Anklesaria asks us to do. You prove that it will be beneficial

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to us; it is not up to us to prove that it will not be harmful. If you want me to do a thing, you have to prove that it will be beneficial to me. So that, the thing has been put the wrong way about and that is what I felt yesterday trying to approach the question with an absolutely open mind, that the real thing was "Hurry on; time is passing and we have considered that India is not going to lose by it". This is, in fact, what one of the paragraphs in the Report has said. If my Honourable and learned friend, Mr. Chetty, and his colleagues had a very accurate pair of balances, they would have been able to tell us what is on one side of that scale: nobody has taken the trouble to tell us what is there on the other. Therefore the real point that was in issue has not been looked at; and this modest attempt on the part of my friends to have the examination either by an expert Committee or by the Tariff Board reinforced with some experts has been unnecessarily opposed. Support was vouchsafed for this Resolution from another quarter—the Leader of the European Group. He passed in survey some of the conditions which led to the present change of policy on the part of England. My friend, Mr. Ranga Iyer, has in very happy terms examined some of the propositions put forward by Mr. Arthur Moore; but I try to look at it from a different point of view. One of the propositions which my learned friend put forward was that this is a momentous occasion in which our vote will count—not in the sense that the tellers count—but in the sense that our vote will be decisive. I am reminded in this connection of something which happened some years back; but I have no desire to go into the merits of it; but may I remind my learned friend opposite, what is the implication of this suggestion that our vote on this occasion will be more decisive than it is on other occasions—I think he was referring to the convention that when the Government of this country are in agreement with the Legislature, then any tariff or any fiscal measure will pass through and the Secretary of State will stay his hand. That, I think, is the idea underlying it. Does my friend forget that the very condition underlying the vote of the Assembly in a matter of this kind does not exist? The underlying idea was that the conditions which exist in Self-Governing Colonies or Dominions should be deemed to apply to India; and if that were so, my friend should be the first to have asked that the vote of Nominated Officials should not count in this division. (*Nationalist Cries of "Hear, hear."*) That is the first thing if my friend wanted a sense of responsibility—responsibility to be taken by the elected elements of this House or the non-official element if I may say so—that it is by their vote that this Agreement is to be decided: then the Government of this country which comes to the House for a vote on this question should stay its hand and should not interfere with the vote. . . . .

**Mr. Arthur Moore:** On a point of explanation, may I say that I was not actually referring to the convention? I was merely referring to the undertaking given, as I understand it, that this question would be left to the House and that there was no question of certification.

**Mr. Jagan Nath Aggarwal:** I do not know whether that carries the case any further. In fact I was putting a much better interpretation upon what my friend said: I was going to give him credit for what he does not like to take. Anyway, I put it forward as a proposition which my friend might

well consider. If the Government came to this House for a vote as a responsible Government whom we could displace by an adverse vote, the position would be otherwise; but, as things stand, they should stay away and, in wishing to obtain the verdict of the House, they should not meddle with the voting. That is the least that we can ask them and if that is the kind of vote that they want to have, then they should produce the conditions for the recording of that vote.

Then we were told, that this is a part of the scheme of world rehabilitation which has been necessitated by post-war problems and by the peculiar situation of the United Kingdom. Now, Sir, let us examine this a little bit. We are told that the post-war problems, reparations and the need of balancing the budgets of several countries have led to an accumulation of gold in two particular countries, France and the United States, and the other countries who have got to make payments in gold cannot balance their budgets and have to restrict their imports, and various devices are adopted for that purpose. That is so, and that is one reason why in most countries various expedients are resorted to for stimulating trade. The other argument that was brought out by my learned friend was, that in the United Kingdom, it has been felt that we are losing ground in trade and it is difficult to balance the Budget and, therefore, England has gone back on her traditional policy of free trade. We are told that even the Ministers who resigned from the National Government and the Labour Government which appointed a Commission said that unless they imposed a tariff, there was no possibility of balancing the Budget. All these considerations do lead to the conclusion that an inquiry, an elaborate inquiry, is the least that can be demanded in the interests of India. Before this problem was presented to the Conference at Ottawa, the United Kingdom had been considering this question for several years; the need had been felt for imposing protective duties on more than one occasion, and the United Kingdom had been driven almost to the position that a tariff arrangement was necessary. The Colonies had been progressing towards that ideal for a long time. Can anybody say that we had a clear cut and well defined policy like the one which the Colonies and the United Kingdom had been adopting in this matter, and if we ask for a definite pronouncement from an expert Board after examination of the various data, after examination of the various interests, shall we be asking too much? May I point out, Sir, that the policy which is sought to be laid down here will bind future generations? . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member will please conclude in five minutes.

**Mr. Jagan Nath Aggarwal:** I will try to do so, Sir. We were told: "Oh, this thing can be denounced by giving six months' notice on either side". That, Sir, is a very specious proposition, if I may say so. Once you get into this Agreement or pact, I can tell the House that it will be very difficult for us to get out, for the very simple reason that various interests would have grown up, your trade would have been diverted into a particular channel, and if you have lost custom somewhere, it would not be very easy to get it back by the simple expedient of denouncing your trade arrangement and by trying to bring about trade conditions which

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have ceased to exist. If that is so, this device of a six months' notice on either side, I submit, should not have any effect on the verdict of this House, because, if you are going to walk into this thing in a hurry, you will have to repent at leisure. Therefore, will it not be much wiser, much better, that before we enter into this Agreement or pact, we should have a clear enunciation of the policy of Government by an expert body. It is fortunate, Sir, that in the matter of protection which we have so far been able to lay down, we have an expert body, I mean the Tariff Board, and our scheme of discriminatory protection received a good deal of praise at Ottawa. India has already got a body of experts ready to advise Government whenever they are in difficulties,—and they are always in difficulties,—and, therefore, when we have this expert body, why is it that we are giving them a wide berth on this occasion in a very important matter like this? My learned friend opposite, Mr. Anklesaria, was telling in one of his arguments that we should look at this question quite independently of personalities. I am very happy that he adopted that frame of mind. After having told us that, he was out to lavish great praise on my friend, the Deputy President, then he was out to bestow praise on Mr. Ginwala, and again he was out to lavish praise on my friend, Seth Abdoola Haroon, and then he told us: "Do not care a fig as to who the Members of the Delegation were"; but these honest gentlemen, these great industrialists would not have given away your case. If that is the argument, then it shows that you preach one thing and do another. Anyway, all that I say is, that as suggested by the Movers of the various amendments, there must be an impartial and thorough inquiry before we are asked to accept this Agreement.

**Dr. F. X. DeSouza** (Nominated Non-Official): Sir, my only claim for intervening in this debate is the fact that I am interested in an industry which I consider will greatly benefit if this Ottawa Agreement is ratified. I venture to preface my remarks with the observation that we should divest our minds of all political bias and of all economic prejudices before we come to consider the implications of this Agreement. There are reasons, Sir, why political and economic bias exists against this Agreement. It is useless to disguise the fact, that in previous years the history of the British Government towards the trade and industries of this country has been one of complete subordination of Indian interests to British interests. That, Sir, is the manner in which I read history. If you read, for instance, the manner in which taxes and tariffs have been imposed, excise duties levied in previous years, the conclusion is irresistible, that the object of these duties and taxes, and the object of the whole tariff policy of the Government for many years past was the subordination of Indian interests to British interests.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Has that policy changed?

**Dr. F. X. DeSouza**: I will come to that presently. That, Sir, is the real reason of the political bias with which many thinkers and many writers in the press . . .

**Diwan Bahadur T. Rangachariar**: Is it political sense or political bias?

**Dr. F. X. DeSouza:** I say political bias, and I will tell you why. This kind of political bias is not unusual if you read history aright. We remember that in the 18th century, the greatest commercial rivals of England were the Dutch. The Dutch merchant was a very cunning individual, and in their dealings with English merchants generally, the Dutch had generally the best of it. This fact was so familiar and so much resented in England at the time that a well-known poet of the day crystallised the sentiments of the time in the following couplet:

"In matters commercial the fault of the Dutch.  
Is giving too little and asking for too much."

That, Sir, is the manner in which the Englishmen of the day regarded the Dutch merchant, who was his rival. So much so that in common parlance a Dutchman was almost synonymous with the word 'liar'. Things have changed very much since then. The Dutchmen and Englishmen have become the greatest friends, and you find that the greatest boast of the Dutchman today is that of all Continental nations, he resembles Englishmen the most. That is the position in regard to the changes that occur in political and commercial relations as circumstances change and the position readjusts itself, and so I must ask this House respectfully to divest their minds of any political or economic bias that Honourable Members may have against this Agreement and to approach the consideration of this question solely and exclusively from one point of view, and that is, is it or is it not for the benefit of India? Is there a *quid pro quo* for the benefit that India is going to confer by giving preference to English goods? Or is it entirely a *pro* without any *quid* in return?

I said that my only qualification for taking part in this debate is that I am interested in an industry which, I consider, will greatly benefit by the ratification of this Agreement. I refer to the planting industry, and more especially, the coffee planting industry. The figures for 1929 show that the United Kingdom imported in all about 3½ millions worth of coffee, or Rs. 5 crores worth, of which India supplied only £168,000 worth, or Rs. 20 lakhs worth, and India's average for the five years previous was £375,000, worth or Rs. 50 lakhs worth. On the average, then, from the figures it appears that England takes 8½ per cent. of her requirements from India, 36½ per cent. from the Colonies of British East Africa and the Dominions which, in 1930, supplied £1,800,000 worth of coffee, and the rest 55 per cent. comes from foreign countries. Roughly speaking, with regard to 55 per cent. of coffee which comes to England from foreign countries, namely, nearly four crores worth of coffee—that market is open to be captured and I venture to submit with all confidence that it is very likely to be captured by India if this Ottawa Agreement is ratified with regard to the preference given to coffee. And why do I say so? There is no doubt that in this country, especially in the provinces of Mysore, Coorg and Madras, there is a steadily increasing area which comes under coffee cultivation, but unfortunately, owing to the depression in trade and fall in prices, that cultivation is not as lucrative as it might have been. Now, coffee is a product which requires intensive cultivation more than any other planting crop that I am aware of. If there is any diminution in the intensity of cultivation, the amount of fertilisers used or any other cultivating operations that are devoted to coffee, then there is an immediate, direct and necessary fall in the output. What have been

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the results of the depression of the last few years? A large number of planters have been obliged to reduce the quantity of manures and the several processes that are devoted to cultivation of coffee, with the result that the output has been considerably reduced. On the contrary, those with some staying power have tried the recent developments in cultivating operations and, by the application of special fertilisers and spraying and other methods, they have found that an expense of Rs. 10 extra per acre gives a profit of Rs. 50 per acre. If that is so, seeing that there is need for an outlet for coffee in outside countries, seeing that the area under cultivation is capable of indefinite extension, seeing that the outturn also is capable of further improvement by more intensive cultivation, am I not justified in the inference that in more prosperous times and, with preference given to Indian coffee in the English market, there is a great probability of greater sales and of greater profit to coffee planters in this country? Another reason for hoping that Indian coffee will realise higher profits and develop a better market in England is this. Hitherto we have been enjoying a preference of one farthing per pound against our rivals, Brazil and other countries. The Ottawa Agreement proposes to give us a preference of a penny a pound. There is no doubt that the demand in England is for a kind of coffee which is of a mild type, and the Indian coffee appeals to the English palate far more than the Brazilian coffee. Therefore, if that preference is given to the Indian coffee in the English market, the prices are likely to be such that the average consumer in England would prefer to buy Indian coffee as against Brazilian coffee. The total percentage of the Indian crop that the United Kingdom takes is 28 per cent, France 27 per cent, Germany takes 10 per cent, and the rest of the world takes the remainder.

It is said that if we give a preference to English manufactures in this country, the necessary consequence would be that foreign countries will retaliate against our own exports including, among others, coffee. But, Sir, there is a limit to retaliation. It is not as if coffee entered free in all the great countries of Europe. I find that in Jugo-Slovakia the duty is 80 shillings a cwt., in France it is 25 shillings a cwt. How far can this retaliation go? Retaliation so as to exclude Indian coffee would be very much like cutting one's nose to spite one's face.

Again, it was said that, after all, the planting industry of coffee and tea is in the hands of British planters here and that, whatever may happen, it is not likely that the British Government would penalise the produce of their own countrymen in this country. Sir, I deny the premise. It is not true that the bulk of the coffee planters,—whatever may be the case with regard to tea—in southern India are purely European. My Honourable friend, Mr. James, tells me that 69 per cent. of the planters are Indians in southern India, and that percentage, I can assure this House from my own knowledge, is steadily increasing.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member must conclude within five minutes.

**Dr. F. X. DeSouza:** The Indian planters have benefited by the example which has been set by the English planters who were the pioneers originally and to whom both Mysore and Assam owe a great deal for their enterprise in developing vast jungles and forests and making them yield

rich and profitable produce like tea and coffee. It is not true then to say that it is only the English planters that would benefit by the preference. Indian planters would lose a great deal if they lose the trade in coffee and tea.

One word more and I shall conclude. If we ratify this Agreement now, we are not precluded from repudiating it if, by experience, we find it works against our interests. We must remember, in approaching this question, that we are on the eve of obtaining Swaraj. (Mr. B. Das: "That is our point too.") Fiscal autonomy is one of the concomitants of Swaraj and, if a Swaraj Government, after considering the pros and cons, find it necessary by experience to repudiate this Agreement, I think that, in spite of what my Honourable friend, Mr. Sitaramaraju, said about the necessity of obtaining the sanction of the Council of State and guarding against the veto of His Excellency the Governor General, the Swaraj Government will certainly repudiate it. With these words, I support the Resolution moved by the Commerce Member.

**Mr. Lalchand Navalrai:** Sir, I must make it very clear to the House that this question is not an easy question that can be decided on the mere assurances that have been given to us. This is a question which requires great consideration. This is a question on which we should not be guided away by those that have considered this question at the Ottawa Conference. Nor can we be swayed away by any opinions which are being given in the British Islands. The only issue is this. We are not concerned whether this preference is beneficial to the British Islands or other places in the Empire, but we are concerned only with the point whether it is beneficial to the interests of India. Bearing that point in mind, I would request you to consider this question with facts and figures and not to be carried away by the arguments that are being put forward by the Treasury Benches. On this question there ought to be some way of finding a solution. The decision on this question must depend upon showing to the House that this preference is beneficial to India. The burden of proof is upon those who have brought forward this Resolution to ratify the Agreement and the House should not be led away by the misleading remarks made by Mr. Anklesaria who tried to misplace the burden of proof. Three issues were put before the House by the Commerce Member. The first issue was, why the Delegation went to Ottawa. We know that it went in the interests of the British Government. The British Government complicated the situation by introducing the Trade Import Bill in their own interest and it was, therefore, because the British Government wanted to get out of that complication, that they wanted the Indian Government also to join hands and to send some people to the Conference. The first question is, whether we should follow the lead given by those Indians who went to Ottawa. I say, that will be a false position. I know the Deputy President is an able man, he has got a mastery over economics. I know also, Haji Abdoola Haroon is a merchant who deals in sugar and other things, but those are not the qualifications that should go to satisfy us that what they have done is in the best interests of India. No one of us sent them. The Indian people never wanted that any Delegation should go. It is the British Government that wanted them to go and they went at the mandate of the British Government. Though they are Members of this Assembly, they were given no representative character by Indian people for the Ottawa Conference. I would not say anything about these gentlemen



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myself, but I would put it in the words of the opinion given in the House of Parliament by a prominent Member of that House with regard to the representative character of these Delegates, etc. I will read to you this. This is a contribution I find in the *Tribune* :

"The Ottawa debate in the House of Commons on Tuesday was so unreal, the ratification of the Agreement being a foregone conclusion, that it was not necessary to take any serious notice of it. Its only importance from India's point of view lay in the fact that it afforded that indefatigable friend of India, Mr. Lansbury, an opportunity of proclaiming to the world that the Delegates who had been sent to Ottawa from India had no representative character and that the Indian mercantile community which really matters in a transaction like this, like the one gone through at Ottawa, had been ignored in spite of its vigorous protests. Those who went to Ottawa were nominees of the irresponsible Government of India and not representatives of the people of India. India has always been opposed to the vicious principle of Imperial Preference, no matter by what name it may be called."

Therefore the Delegates were not sent by the Indian people and they did not even consult the Indian people before going. Did they take any brief from them? As lawyers, we know how to make up our minds and to form our opinions. We get instructions from our clients with all the facts and then we are in a position to know what opinion to give to them. If the Delegates had been sent by the people of India, we would certainly have respected their views.

Then, for the second issue, we are asked to depend upon the assurances that we get from the Treasury Benches. That again is a fallacy. The Government of India are subordinate to the British Government and to

the British Parliament. Now, how is it expected that we must  
4 P.M. have faith in whatever this Government tell us, and that we should repose all confidence in whatever assurance they give us? Therefore, that is not the real test. But here I note that the Honourable the Commerce Member himself was very frank enough to tell us that he could give us no positive and absolute assurance that this would be to the benefit of India. Therefore, Sir, this issue is not proved. It is only hoped by him that it will likely be to the interest of India. Now, is that an assurance? Then, again, it is said that if it does not prove to be in the interest of India, then we can throw it out after six months. Sir, we all have a most unhappy experience of things which are done by the British Government here; we all know what hope there can be of such things being rescinded without much difficulty. This point has already been made clear to the House that it is very difficult, when a proposition like this is accepted, to get it revoked.

Then, the third consideration which ought to appeal to us is that it is the Indian people who should decide; and as the Government at present are not Indian and, as a new constitution is going to come in,—it may be that we may get a better prospect of a suitable constitution,—it will be then only that the Indian people can sit together and decide whether preference should be given or not. Sir, it is not only a question of give and take—which was the second issue laid down by the Honourable the Commerce Member. The real issue is, whether in giving and taking we are benefited.

Sir, the position of India is a peculiar one. We have got no industries in the first place. Our industries have been more or less annihilated by the process of British exploitation. We know how India was self-contained

and self-sufficient in these industries, and how, as history tells us, these industries came to be destroyed. Now, if there is any desire in the Indian Government to support the infant industries we have at present, there should be protection for India and no preference for others. I should say that if there are to be any preferences, they should be between countries that can compete with one another properly. But if it is going to be a case where preference is given to the competitors of our infant industries, then, I must say, we will be no where. Then the fourth course open to us is only one, and it is this, that we should be guided by Indian public opinion. Sir, we here may not be merchants, but we know it that after this Agreement was arrived at, Indian traders and Indian merchants and the Chambers of Commerce have given us their definite opinions and these definite opinions are not as vacillating or as vague as the opinion which has been given to us by the Treasury Benches here. They have gone into the pros and cons of the question and into all the points of preference with regard to particular articles and they have come to the conclusion that the Agreement will not be beneficial to India. Now, on that point, I would only submit that the Federation of Indian merchants have given their opinion, and issued a pamphlet. Then there is the Indian Merchants' Chamber, Bombay, and I shall only read for two minutes from their proceedings. Sir, at page 2 of their pamphlet which has also been sent to the Government of India, their Secretary says:

"My Committee have examined the Report, and can only reiterate their condemnation of the Agreement entered into. Indeed, from an examination of the arguments and the statistics contained in the Report, they feel more convinced than ever that the Agreement is not only *not* to the benefit of India, but is positively prejudicial to her economic interests."

Then I shall read one or two paragraphs from page 4 which will satisfy the House that their observations are not vague and unsupported by any detail. They say.

"The most amazing part of the Report is that in which an attempt is made to show that by keeping certain articles on the free list, the United Kingdom is conferring a boon on India, and that the Delegation have achieved some unforeseen gain for India by persuading the British Delegation to do so. The Delegation admit that in the case of those articles in which India possesses what amounts to a practical monopoly in the British market, a preference is 'negatory'. They enumerate articles, like Raw Jute, Lac, Myrabolams, Broken Rice, Mica and certain varieties of Hemp, in which India enjoys such a monopoly. In spite of this, they make a laboured apologia to lead the public to believe that India has been favoured by the United Kingdom by keeping on the free list these raw materials of British industry.

Then, again, the consideration of the Delegation has been most superficial and one-sided, on the effects of India's non-participation in the scheme on her export trade to the United Kingdom. The largest items in this trade are, Tea, Jute, Hides and Skins, Raw Cotton and Oil-seeds. My Committee consider that the risk, which weighed in the minds of the Delegation, in the case of Tea, was most exaggerated. After all, India is the largest supplier of tea to the United Kingdom, and the ability of Ceylon to supplant India in the United Kingdom market is limited. An import duty on such a necessary of life inevitably falls on the consumer. So much has been said of the instance of tea that it calls for a little fuller examination. India exports to the United Kingdom Rs. 22 crores of Tea. Ceylon, the next largest supplier, exports about 18 crores. Now, if Ceylon got preference, and we did not, it could under-sell us in the British markets provided, of course, it were capable of totally supplanting Indian exports. But it is obvious that Ceylon cannot more than double its output. . . . A duty of 10 per cent. against Indian tea, 18 crores of which is wanted by Britain, can only result in raising the price of *all* tea imported into Britain. In that case, Ceylon would no doubt have the benefit of that higher price. All the same, the person who would be hit most would be not the grower in India but the consumer in Britain."

[Mr. Lalchand Navalrai.]

Sir, I ask your permission to say one word more. The danger to our infant industries is very much. For instance, aluminium is imported from the United Kingdom and other outside places. There are British manufacturers in India and also Indians handling aluminium, but the aluminium is imported by the same British people who own factories here. Therefore the Indian manufacturers are principally at their mercy for the purchase of the aluminium and also the quantity they could get from them. Indians are thus not able to compete with them and the only course open to them now is to make purchases from other outside countries and if you grant a preference to British goods, you then put the Indian manufacturer into a more hazardous position, *viz.*, that he will be entirely deterred from purchasing aluminium from other outside countries and be not able to compete at all with the British manufacturer, but to leave the market wholly to him. I think, therefore, that if these opinions expressed by the Chambers of Commerce and the Indian merchants are given due weight, it will be realised that they have proved that it is not at all in the interests of India to accept this Agreement.

**Mr. B. V. Jadhav:** Sir, at the outset I would like to offer my compliments to the Honourable the Commerce Member for presenting his case so very beautifully. He has made much of the points of which he could show some advantages to India and he has conveniently passed over other points on which he could not say much and, in this way, I think, he has taken a leaf out of or taken some instructions from his colleague, the Leader of the House, a very able lawyer. Sir, this side of the House has not yet made up its mind as to accept or throw away the Ottawa Agreement, but what I would wish is that sufficient time be given to consider the various provisions stated therein and to have some expert advice on the various points, and I like the idea of referring this question to the Tariff Board for detailed examination. Now this giving preference to Empire goods must be looked upon as a fair bargain. If India is giving up more and receiving less, then it would not be a fair bargain. We have, therefore, to see what we are to get and what we are to lose. For that purpose a detailed examination is certainly necessary.

Now, as a matter of fact, the Honourable the Commerce Member has shown us in what respects India is going to get preference. He has cited the instances of lac, myrabolam, tea and vegetable oil, etc., and some of my friends on this side have dealt with this point at some length and, therefore, I do not propose to take the time of this House. Now, Sir, the fiscal policy of India has been based to a little extent on the policy of protection and, to a certain extent, our import duties have been levied for the purpose of raising revenue. There are a few industries started here in India and the Government of India have found that, in order to give proper encouragement to these industries, import duties are necessary and, therefore, those duties have been levied. Under the Ottawa Agreement, the necessary protection to indigenous industries will be preserved. But, I am not quite sure, what the intentions of Government are as regards those duties which are levied for revenue purposes. Do they intend that the ten per cent. preference, that is to be given to Empire goods, is to come out of the present rate of duty or is the present rate to be increased by an additional ten per cent? My Honourable friend, Mr. Morgan, has clearly stated to this House that he was opposed to any addition to the existing duties in order to enable Government to

give preference to Empire goods and I fully agree with him; because the present duties for revenue purposes have raised the retail prices in the market and to that extent the purchasing power of the ryot is crippled. If these duties are to be further increased by ten per cent., in order to provide preference to the Empire manufacturers, then the purchasing power of the ryot will be further crippled and we shall be laying heavy duties upon the poor people here in order to feed the rich manufacturers of England and other places. So, if any preference is to be given, it ought to come out of the present duties which are levied for revenue purposes. And, if that is so, it is evident that the Indian finances will suffer. It is very difficult, Sir, for the Finance Member to make both ends meet even under the present circumstances and the condition of the Finance Department will be very difficult if the ten per cent. is to come out of the present duties which are levied for revenue purposes. This is a thing to be seriously considered, for it will throw our finances into confusion.

I have, Sir, to raise my feeble voice of protest for Government's way of accomplishing things. Government have been trying for a very long time to impose this preferential policy upon India. The first attempt that was made was about 1903 and we know what reception it had at the hands of the Government of late Lord Curzon. Then, there were certain other attempts and one of these recorded is when the Fiscal Commission was appointed. The question there raised was about preference at that time. You know very well, Sir, what the report of the Fiscal Commission was and the opinion of the minority has been quoted here so very often that I need not repeat it. Since then, on two occasions, Government have forced this Assembly indirectly to accept the principle of preference. Once it was in the case when some protection was to be given to the Tata Works and therein surreptitiously Government introduced a preferential tariff for British steel and iron products. The Members of this Assembly were placed in a very difficult position. It was in the hands of Government to push on the measure or to withdraw it and the Assembly was faced with the difficulty that if they did not swallow the sugar-coated pill of the preference to English steel and iron goods, then the measure for giving protection to the steel industry would also be withdrawn and the steel industry would fare very badly and might ultimately collapse. So the Members of the Assembly were obliged to give their consent to the surreptitiously introduced preference principle. Then, again, when the question of giving preference to the cotton piecegoods came, Government made use of the same policy. Although they assured the House that the passing of the measure would not be taken as accepting the principle of preference, still they have made use of the very two instances in the report of this Ottawa scheme that the Assembly has on two occasions accepted the principle and given its support to that principle. In the same way, they have now come forward and announced to the House that the Agreement has already been signed and, therefore, the date, the 15th November, is not a very important date. The principle has been surreptitiously introduced here that the Government of England, with the connivance of the Government of India, may sign any agreement on behalf of India and come before this House and say: "Now it has already been signed and tell us whether you approve of it or not". The signing of the Agreement is not left to us. We are not here to say whether the Agreement should be signed or not, because the Agreement has already been signed. We have only to say whether

[Mr. B. V. Jadhav.]

we approve of it or not and, perhaps, if we do not approve of it, Government may say that they will give six months' notice.

Now, Sir, it has been told us that some of the major Dominions and even foreign countries are very eager to come to terms with the Government of England and that they are ready to enter into agreement with them. Of course the country, which is suffering loss, may agree to enter into an agreement to better its chances. If India finds that it would be to her advantage to enter into the Agreement, then, we, on this side, will not be sorry and will not be lagging behind in giving our consent. But there is a good deal of difference between other agricultural countries and India. No doubt India is pre-eminently an agricultural country, but, at the same time, a major portion of our agricultural produce is taken up for home consumption and, therefore, we do not depend upon the export of our agricultural produce to foreign countries to such an extent as other agricultural countries do. Formerly India was a self-sufficient country, all her needs were supplied by home manufactures and our ultimate goal is to attain that position. Therefore, we are very anxious to encourage home industries here and such industries as would, in the long run, be able to stand severe competition of foreign manufacturers. For that purpose this House has been willing to give its consent even to heavy import duties for the protection of nascent industries. But the preferences that are proposed in Schedule F are so very numerous and are of such far-reaching effect that I am afraid they may ultimately kill some of our infant industries.

Reference has been made here to the aluminium vessel industry by my Honourable friend from Sind. The condition here is that vessels made of aluminium have been in the market for a very long time and many of the Indian firms have been engaged in manufacturing them and they have been importing aluminium disks from Germany and from Canada and from other places. Now, the British and Canadian manufacturers of aluminium disks are not content with exporting their disks only, but they have come to India and started their own factories in order to kill the Indian factories that have been working here for a number of years. They now hold the monopoly as far as the Canadian aluminium is concerned, and their competition has been found to be very severe by our Indian manufacturers. Now, this preference of ten per cent. will, I am afraid, be utilised by these foreign manufacturers who have established their own factories here in killing the Indian manufacturers. They will be getting the ten per cent. preference while the Indian manufacturers will be obliged to purchase their aluminium disks from Germany and other countries who do not enjoy this preference. The consequence will be that the Indian manufacturers will have to pay nearly ten per cent. more for their raw materials than the Canadian or the British manufacturers in India who will have to pay ten per cent. less and, in that way, the Indian aluminium industry will be killed.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member will please conclude in five minutes.

**Mr. B. V. Jadhav:** There is another industry which I want to bring to your notice and that is the industry of making bedsteads and iron furniture. There are certain small men who have been carrying on this

manufacture for about half a dozen years and they now stand threatened with extinction, because the iron bedsteads that will be imported from England will get a preference of ten per cent. and that is clear gain to them. It is evident that the iron that will be imported in India will have to pay the same duty as before, while the iron bedsteads that come from England will get a preference of ten per cent., so that the Indian manufacturer, who produces iron bedsteads, will be at a great disadvantage and it is feared that he will be thrown out of the market. From the newspapers, I see that even the makers of machinery are trying to ask for preference and perhaps their voice might be found too strong for the Government of India to resist and if the English machinery is to get preference of ten per cent., then the Indian manufacturers will be greatly handicapped. I see the Honourable the Commerce Member shaking his head. I, therefore, hope and, I am sure, that India will be saved from that danger.

A reference was made to the speech of Sir Herbert Samuel in the House of Commons, and my Honourable friend, Mr. James, said that the real arguments of Sir Herbert Samuel were in favour of the Ottawa Agreement, if other Members of the British Empire would also accept it. I think that that is a perfect answer which we, on this side, also will give. If the other Members of the British Empire are not going to accept the Ottawa Agreement, because they do not find it beneficial, for the same reason it ought not to be beneficial to India also. But India is in a dependent position and, therefore, the Indian Delegates could not refuse to sign that Agreement, while the Members, comprising the Delegation from other Dominions, were more free and they have not signed on that account. Sir Herbert Samuel was perfectly right in saying that if the pact was signed by all, then there would be something which would show that there was justice on all sides, but the abstaining from signing by other Members of the British Empire shows that this Agreement is not a fair one and, therefore, the diffidence that is felt by this side of the House is justified.

**Mr. T. N. Ramakrishna Reddi:** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Mr. President, I rise to support the amendment moved by my Honourable friend, Mr. Sitaramaraju, which is to the effect that this matter of Ottawa Agreement should be first referred to the Tariff Board for a thorough enquiry before any legislation is introduced and considered in this Assembly. I must, at the outset, state that though I support that amendment, I do not agree with all that has been said by the Mover in support of this Resolution. Most of his speech was devoted to the political aspect of the question. I should say at the outset that I would like to view it from an economic aspect and not mix it up with the political aspect, because India cannot wait for economic freedom until she gets political freedom and so, I would rather view the Ottawa Agreement from its thoroughly business point of view and, if at all we have to get any benefits from the pact, I would be the first to support it. So, I would like to tell the Treasury Benches that we are anxious to view it only from its economic effect on India. The Ottawa Agreement accepts wholesale the principle of Imperial Preference and, in support of that, my Honourable friend, Mr. Anklesaria, quoted from the report of the Fiscal Commission to show that this report also supports the view that India can accept the principle of Imperial Preference. But he has

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quoted only those passages wherein the Fiscal Commission lays down the principles to be observed with regard to the applicability of Imperial Preference. But if he had quoted other passages, he would have found that paragraphs 238 and 239 have laid down clearly that the principle of Imperial Preference will adversely affect the interest of India. Sir, I will make no apology for reading this short paragraph. It says:

"The above examination of the existing preference granted to Indian products in the United Kingdom bears out our general proposition that Indian exports on the whole are not of a nature capable of benefiting to any great extent by preferential rates, particularly as much as can be granted in the United Kingdom."

Then again, in paragraph 239 they say:

"On the other hand it would no doubt be possible for India to offer substantial advantages to British products by the grant of preference to her imports. The nature of the British imports, which are nearly all manufactures, makes this clear, but we do not think that India can grant anything of great value without imposing a serious burden on herself, and it would not be reasonable for India to incur such a burden."

Sir, these passages make it clear that at present India will stand to lose and not to gain by accepting the principle of Imperial Preference. The situation has not changed considerably since the time this report was published in 1921-22. And so, if at all, the Government have to prove that things have changed and it is to the interest of India that we should accept this Imperial Preference. It is for Government to prove that. Then, Sir, the Delegates that went to the Ottawa Conference have accepted this principle and have acted upon it. That is clear from the statement in the report wherein they say that "hereafter it is a question of what India stands to lose and not what India stands to gain". It is with that view that they have entered into the Tariff Agreements. What are the reasons? The reasons also they have given, and, in their report, they say that England has now changed her tariffs and it has become now a full-blown protectionist country and gone far away from its free trade position. Secondly, they state that the Import Duties Act, by which a ten per cent. duty will be levied on all goods which enter England after the 15th November, will come into operation and so we have to come to some conclusion and we have to accept this principle, so that we may escape these duties.

With regard to the first point, namely, that England went off free trade and accepted the policy of protection, it is a purely domestic matter with which we are not concerned. What we are concerned with is that it should be used as an argument for Indian Delegates accepting this principle of Imperial Preference. Sir, we are not to be tied to the chariot-wheels of the British Parliament and follow a policy which they find useful to them. Already Sir Herbert Samuel has voiced his feelings in the House of Commons and has clearly stated that if the Liberal Government come into power, they are going to revert to the free-trade principle; and so the principle of protection which they have adopted will not be a permanent one. And if we are to be tied to the chariot-wheels of British tariff policy, then India stands to lose. Then, Sir, with regard to the second reason which they have given, that is, the threat of the application of the Import Duties Act, the Honourable the Commerce Member said that it is a real threat and not a bluff as some people would put it because, as he said, it equally affects the Dominions and the people of the Dominions are their own kith and kin, and.

therefore, it is not a bluff, but they meant it in all seriousness. With regard to this, I have to say that the Dominions were very anxious to enter into such Imperial Preferences for nearly 50 years. They have all the time been urging the mother-country to accept these preferences and it is the United Kingdom that was opposed to it and so when the United Kingdom said that they would like to enter into these Imperial Preferences, they accepted it with great alacrity, because they have been urging it for a long time. So it is only a bluff intended for India. Then, Sir, with regard to the import duties themselves, India is exporting only raw materials and also food, drink and tobacco to a large extent to the United Kingdom; and if at all they would levy these duties, we also have got the power to retaliate. And, further, it is to the disadvantage of England to impose any duties at all on raw materials. On this ground also we cannot support this principle of Imperial Preference.

Sir, in judging this question of Ottawa Agreement, we have to have before us two fundamental factors. The one factor is that the United Kingdom is gradually losing her hold upon her Empire markets, and the foreign countries like the United States, Germany, France, Italy and Japan are making serious inroads into their close preserve and carrying away their trade to a considerable extent. That is one important feature and, in support of that, I will only quote the statistics. The percentage of imports of merchandise to India by the United Kingdom in 1913-14 was 64 per cent., while in 1930-31 it has dwindled to 37.2 per cent. On the other hand, whereas countries other than the United Kingdom had a share of 30 per cent. in 1913-14, it has risen to 53.9 per cent. in 1930-31. Thus you can see that other countries have made great inroads into the preserve. The second point which we have to bear in mind is that India has been exporting raw materials to a great extent and receiving manufactured goods; and we also find in this Fiscal Commission's Report that it is to the advantage of manufactured goods that these preferential duties will operate and raw products do not stand in any need of preference at all. A few statistics will make it clear to show that India is exporting large quantities of raw materials to the United Kingdom and also food, drink and tobacco. India is exporting to the extent of 30 per cent. of value of articles of food, drink and tobacco, and with regard to raw materials, produced and unmanufactured articles, 43 per cent. of value, and in all 73 per cent., whereas it is importing 65 per cent. of value of the manufactured goods from the United Kingdom. Thus it is for the benefit of the United Kingdom that we should enter into these preferential tariffs. I do not want at this stage to enter into a detailed discussion with regard to the effect of these preferences on each and every article, but I would divide these articles into certain groups and prove that articles under some of those groups which we are exporting to England do not stand in need of any preference . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member will please conclude in five minutes.

**Mr. T. N. Ramakrishna Reddi:** I will do so, Sir. Certain articles which do not at all benefit by this preferential treatment are articles which India produces in great abundance and in which the capacity of the United Kingdom to absorb is very limited. Under this head come groundnuts, rice and jute manufactures and such other articles. For instance, India produces groundnuts to the value of 14 crores odd; whereas the



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United Kingdom absorbs at present only about  $2\frac{1}{2}$  crores. So the preference given to our groundnut does not at all benefit us. Because there is very little market in the United Kingdom for our products: it absorbs only  $2\frac{1}{2}$  crores whereas we have been producing to the extent of 14 crores; and so we have necessarily to go to foreign markets for that produce. So also rice. We are producing nearly 30 crores worth of rice, whereas the total absorption of the United Kingdom is only about  $2\frac{1}{2}$  crores; so necessarily we have to go to foreign countries and any preference given to this commodity will not be of much benefit; so also with regard to other articles—jute manufactures and others. Then there are other articles which come under another group wherein England absorbs large quantities and India produces only a small quantity and the Colonies are supplying to the United Kingdom to a greater extent. Here also the preference will not be of much avail, because in this case we have to compete with the Colonies if at all we have to capture the market in the United Kingdom since they also get the same benefits. At present we are producing these in very small quantity and preference is, therefore, of absolutely no benefit to us. There are other articles which we produce in which preferential rates will benefit India. Take the case of imports from the United Kingdom. At present the United Kingdom is importing certain manufactured goods in very small quantities for whom preferences are given while there is a very big market in India and India is getting most of these manufactured goods from foreign countries. For these cases it will take a very long time for England to capture the Indian market with these preferences and the consumer here will have to bear the burden for a pretty long time until England completely captures this market. So it will not be to the benefit of India to give any preferences for such commodities to England. Further, by giving such preferences to so many manufactured goods, it will kill the nascent industries of India. Of course it is said, that by giving preferences to certain articles, ultimately it is proved detrimental to the interests of India, we can give six months notice and terminate the Agreement. But previous speakers have already stated what difficulties there are in getting any Act of Legislature passed in the present Legislature to terminate such agreements. So when once it is passed, it will become a permanent feature. Thus there are sufficient grounds for submitting the Ottawa Agreements to an inquiry by the Tariff Board for enquiry as to how far and on what articles we can, with advantage, give preference and also receive preference. All I have to say is this: that it is better that this Agreement should first be thrashed out by a special Committee like the Tariff Board and then come before the Assembly with a considered report. With these words I support the amendment moved by Mr. Raju.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I thank you for permitting me to speak at this late hour and I hope the House will also be indulgent towards me, because I am sure I will not inflict a long speech or waste much of their time. The issue is very clear now. On the one side we are asked to ratify the agreement straight off and on the other side, the House has put forward amendments just with a note of warning and caution. The Opposition has asked the Honourable Member who has moved this Resolution to give them time to have the advice of their experts; to have the advice of those in whom

they have implicit faith; and considering that the crucial date, that is the 15th November, is not likely to interfere in this arrangement, I have no doubt that the Honourable Member will not grudge this concession to the House. Anyhow, as the debate has been going on, we on this side of the House, have only to substantiate and prove the necessity of asking for time for further consideration of the details of this Resolution. When a gentleman of the ability of the Honourable Member who moved this Resolution with all the resources behind him and with all the experts at his side was modest enough and frank enough at the same time to tell us that he felt a bit nervous in treading upon the thorny ground full of figures as far as these matters are concerned, I think we, on this side of the House, who are mostly laymen, would not be wrong if we cry halt and just ask a little bit of time more to reconsider this matter before we are asked to sign this Agreement and to ratify it. The Honourable the Mover of the Resolution has told us that the introduction of the Bill raising duties on the imports in England is going to be put into effect and that we would lose a lot of money if we did not ratify this Agreement. It may or may not be so—I do not know what is going to be its full significance in the near future, but the first idea, that strikes a layman like me is that. I look upon this attempt as a little bit of a coercive act. We all know on this side of the House that there is a very large number of Honourable Members who are concerned in what is called the Swadeshi movement. We are all helping to spread and increase the Swadeshi movement in this country as much as we can, and, coming as it does at this moment—a threat from a country like England which has always taken pride in its history of free trade,—I think we are fully justified in thinking that there is something more behind it than what appears on the surface. I submit, the first impulse that comes in the mind of a layman like me is to hit back. I say “away with your pranks; if I can hit you back, I will certainly do so”, and I do not think that we are not in a position as not to be able to hit back with effect. After all, England’s biggest market, as far as Lancashire cloth and other goods are concerned, is India. We have been trying to check the import of British cloth as far as possible, and there is no reason why, at this moment, we should not be able to tell the British people that if they are going to inflict these things on us, we have also got some weapon in our hands by which we can hit them back. And hence they should not be in a hurry and levy import duties on the 15th of November. If they want to talk to us in a friendly way, let us have time; we shall think over the matter and see what is best in the interests of all concerned.

Then, Sir, one has got to remember the fact that no Member of the House who has so far spoken has gone into the figures relating to this Agreement, simply because in matters of this nature incalculable points creep in. We have, at the very outset, to be very careful in judging one particular fact. We are, Sir, on the threshold of a new era in our national history. We want to take our proper place with all the other nations of the world. There is no reason why, if we start with an arrangement of this kind by giving preference to one country, we should not be putting all the other countries in a bad humour, and I submit that it will be a tragedy if our national life begins with such handicaps. National prejudices, settling down old accounts, jealousies and all sorts of things, work in these matters, and we have got to be extremely cautious. Therefore, what we want from the Honourable Member opposite is that,

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taking into account all these facts, he should give us time. We do not want years to settle these matters. We only want a reasonable time to have this matter inquired into, and then if all goes well, if all the assurances that he has held out to us are really good assurances, he will find us very strong co-operators to see that the whole thing is brought to perfect success.

Then, Sir, as far as the speech of the Honourable Member in charge of the Department of Commerce goes, I could see that he was trying to make out a strong case with regard to the question of the export of tea. There is no doubt that the export of tea is a very valuable asset as far as our country is concerned; but, as a layman, I think that there is a good deal of the bogey about the position that has been created. I am inclined to think that, considering the fact that the tea planters are mostly men from Britain, that the capital in the tea companies is mostly British the English people would not be so foolish or unpatriotic or unfriendly towards their own kith and kin as to destroy the tea industry.

**Diwan Bahadur T. Rangachariar:** They want safeguards.

**Mr. A. Hoon:** I should think that if we leave the question of the tea industry alone and do not attach to it undue importance, the tea planter, who is a Britisher, will become our friend, and he will go to the big Corporations in London moving from restaurant to restaurant and tell those people to look upon the Indian tea as British tea, because it is produced by British capital and British management in India. As such, if the question of tea is left into the hands of the British planter rather than in the hands of Mr. Chetty or Seth Abdoola Haroon, the question will be solved in a much better way.

Again, Sir, there is one other aspect of this question which I commend to the House for very serious consideration, and it is this. Whether we agree with the general populace of this country at this moment or not we cannot get away from the fact that feelings at this time in the country are not towards buying anything British; much less are the feelings to enter into any trade or other agreements with Britain. We may agree with such a view or not, but we cannot forget this aspect of the question, because, after all, we are elected by our constituents, and we have got to answer them. We have got to do here what we are required to do by the wishes of the people, and not what we ourselves think proper. I again say that I may not be agreeing with the opinion of the public on that point, but I commend this point of view to the Members of the House who are elected.

Now, with regard to all these difficulties, there is suggested one solution. There is one point which was mentioned by the Honourable the Mover and which was very prominently brought out by all Members who asked us to support the ratification of this Agreement, and it is this, that if we are in any trouble, we can always cancel the Agreement by giving six months' notice. Sir, as a lawyer I may tell this House that I do not believe in any such nonsense. I know, and I think most of us know, what is the condition of a suit or a case between a poor man and a rich man. The case generally ends in success for the rich man, and the poor man may go on fighting and fighting and one does not know what may happen

eventually. My advice to the poor client always is to try and compromise any way he can, because fighting, even for the most righteous cause against a rich opponent is not a business proposition in the end. I am inclined to think that if we ever ask for the cancellation of this Agreement,—and a note of warning has been sounded,—we will not and we cannot succeed. Whatever constitution this country is going to get, there is going to be a House of Elders, and we know what they always do in matters of this kind. It will be practically impossible for us to cancel any such Agreement if we now enter into it. If we make great noise in the Lower House, probably the Government will set up another Round Table Conference, and we know who would be selected, and what would be the result.

With regard to the question of reciprocity, I would say that, as far as the Colonies are concerned, I would leave them out altogether. No temptation of any gain coming from that quarter would induce a man like me to enter into any negotiations with them. Why? Because my self-respect prompts me not to have any talk with them whatsoever. If those gentlemen from the Colonies want to talk to us, I only want them to give to the relations and friends of the Secretary for the Education Department the same treatment in that country which they have in this country as far as the civic rights are concerned. If they do that, then, of course, we shall talk to them and see what is best for us. With these few remarks, I commend the amendment of my friend, Dr. Ziauddin Ahmad, that the matter be referred to a Committee where experts may be asked to help us.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 9th November, 1932.



# LEGISLATIVE ASSEMBLY.

Wednesday, 9th November, 1932.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## MEMBER SWORN.

The Honourable Sir Frank Noyce, Kt., C.S.I., C.B.E. (Member for Industries and Labour).

## QUESTIONS AND ANSWERS.

\*1020\*—1025.\*

### TERMS AND CONDITIONS FOR THE RECOGNITION OF 'BUY INDIAN LEAGUES' AS LAWFUL ASSOCIATIONS.

1026. \***Mr. S. C. Mitra** (on behalf of Rao Bahadur B. L. Patil):

(a) With reference to the reply given by the Honourable the Home Member on the 15th September, 1932, to my supplementary question when replying to starred question No. 279, will Government state what are the exact circumstances under which a 'Buy Indian League' becomes an unlawful body or association?

(b) Will Government further state under what terms or conditions they are prepared to recognize 'Buy Indian Leagues' as lawful?

(c) Are Government aware that Indian mill-owners have petitioned the Government of India to take immediate steps to remedy the Japanese dumping of textiles and piece-goods?

(d) If so, are Government prepared to instruct the provincial departments of industries to work in co-ordination with such of the 'Buy Indian Leagues' and 'Swadeshi Leagues' that are ready to co-operate?

(e) Do Government propose to instruct Local Governments not to interfere with the work of the said Leagues unless and until there is positive proof that any League as a body is definitely associating itself with unlawful associations?

**The Honourable Mr. H. G. Haig:** (a), (b) and (c). I would invite the Honourable Member's attention to the letter dated the 11th April, 1932, addressed by the Private Secretary to His Excellency the Viceroy to the Western India National Liberal Association, Bombay, which deals with these questions in some detail.

(c) Yes.

(d) The question is one for Local Governments.

† These questions have already been answered; see pages 1486—88 of I. A. Debates, dated 28th September, 1932.

### LOWEST SELECTION GRADE EXAMINATION IN THE POST OFFICES.

1027. \***Mr. S. O. Mitra** (on behalf of Rao Bahadur B. L. Patil): (a) Is it a fact that the Director-General of Posts and Telegraphs had prescribed an examination called the lowest selection grade examination for promotion to the posts of Head Clerks to the Superintendents of Post Offices and Inspectors of Post Offices and Railway Mail Service in the grade of Rs. 160—10—250?

(b) If the answer to part (a) above be in the affirmative, will Government be pleased to state the percentage of passes in the said examination?

(c) Is it a fact that the Director-General of Posts and Telegraphs has since stopped the lowest selection grade examination and ordered that the promotion to the posts of Head Clerks to the Superintendents of Post Offices and Inspectors of Post Offices and Railway Mail Service should be made from the ordinary time-scale officials according to their seniority combined with fitness?

**Mr. T. Ryan:** (a) Yes, a qualifying examination was prescribed for promotion to all posts in the lowest selection grade of Rs. 160—10—250 including those mentioned by the Honourable Member.

(b) The examination was abolished in February, 1982, and, according to the conditions of the examination, candidates were allowed more than one chance of appearing. Up to the time of the abolition of the examination, no candidate had finally failed to pass.

(c) The reply to the first part is in the affirmative and, to the second part, in the negative.

**Dr. Ziauddin Ahmad:** With reference to part (b) of the question, will Government be pleased to state the percentage of passes in the said examination? I did not follow the answer to this question.

**Mr. T. Ryan:** The position is that this examination, after being introduced, had to be made progressively easier to enable the older members of the staff to pass it. One concession made was that the examination might be taken in instalments, subject by subject, and each candidate, above a certain age, was allowed four chances of appearing. The result was that no candidate finally succeeded in failing to pass this examination and we decided that the examination was of no real use and we abolished it.

**Dr. Ziauddin Ahmad:** Is it the opinion of the Honourable Member that an examination is of no use if everybody passes it?

**Mr. T. Ryan:** An examination is, I think, of no use if the administration holding it finds it compelled to make it so easy that everybody can in effect pass it.

### EXAMINATION IN ACCOUNTS WORK IN THE POST OFFICES AND PROMOTION TO THE POST OF HEAD POSTMASTERS.

1028. \***Mr. S. O. Mitra** (on behalf of Rao Bahadur B. L. Patil): (a) Is it a fact that the Director-General of Posts and Telegraphs has introduced an examination for the accounts work in the post office and had promised the qualified officials the posts of Head Postmasters?

(b) If the answer to part (a) above be in the affirmative, will Government be pleased to state the percentage of passes in the said examination and the number of such officials promoted to the posts of Head Postmasters?

**Mr. T. Ryan:** (a) The Honourable Member's attention is invited to the reply given by Sir H. A. Sams to Mr. B. P. Naidu's starred question No. 29 in this House on the 18th August, 1927, which fully explains the position.

(b) Five such examinations have been held. The average percentage of passes in the first four was about 15 and in the last, 22. As regards the last part of the question, Government have no information, as such promotions are made by Heads of Circles.

PROMOTION TO THE POSTS OF HEAD POSTMASTERS AND INSPECTORS OF  
POST OFFICES, ETC.

1029. **\*Mr. S. C. Mitra** (on behalf of Rao Bahadur B. L. Patil):  
(a) Is it a fact that the posts of Head Postmasters are more responsible than the appointments of Head Clerks to the Superintendents of Post Offices and Railway Mail Service?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether the passed accountants are eligible for promotion to the posts of Head Clerks to the Superintendents of Post Offices and Inspectors of Post Offices and Railway Mail Service in preference to ordinary time-scale officials? If not, why not? Is it a fact that the latter are not as well versed in accounts work in the post office as the qualified accountants?

(c) Is it a fact that the accounts examination is more difficult than the lowest selection grade examination? If so, are Government prepared to carry out their pledge in respect of their promotions to the appointments of Head Postmasters or, at least, all these qualified officials now in the ordinary time-scale to the posts of Inspectors of Post Offices and Railway Mail Service and Head Clerks to the Superintendents of Post Offices and redress their long-standing grievance?

**Mr. T. Ryan:** (a) The duties of the posts in question are of widely different kinds and Government are not prepared to make any pronouncement as to their comparative responsibilities.

(b) Only such ordinary time-scale officials, as have passed a departmental examination, are eligible for promotion to the posts in question and passed accountants, who have also passed this examination, are equally eligible for such promotion. As regards the last part of the question, the position is generally as stated by the Honourable Member.

(c) As regards the first part of the question, the two examinations were entirely different and no comparison of their relative stiffness is possible. As regards the second part, the Honourable Member's attention is invited to the reply just given to part (a) of his question No. 1028.



The reply to the last part is in the negative: I am not aware of the pledge to which the Honourable Member refers.

#### CONFIRMATION OF LEAVE RESERVE CLERKS IN THE POST OFFICES.

1030. \***Mr. S. C. Mitra** (on behalf of Rao Bahadur B. L. Patil): Is it a fact that due to the introduction of lower division clerks as a measure of retrenchment in the Postal Department, the members of the present leave reserve in Rs. 40—5—140 scale are made to wait longer for their turn for confirmation as permanent clerks? If so, are Government prepared to convert the lower division appointments by giving alternate vacancies to these officials?

**Mr. T. Ryan:** Government have no information; the case is possibly as suggested but it is not proposed to institute enquiries since even if the fact were established it would not affect the decision to create Lower Division posts. The meaning of the Honourable Member's concluding suggestion is not understood.

#### ABOLITION OF THE POST OF ASSISTANT SECRETARY, PUBLIC WORKS BRANCH, DEPARTMENT OF INDUSTRIES AND LABOUR.

1031. \***Dr. Ziauddin Ahmad** (on behalf of Lieut. Nawab Muhammad Ibrahim Ali Khan): (a) Is it a fact that in the Department of Industries and Labour, owing to the transfer of a great deal of work of the Public Works Branch to the Industries side, the Assistant Secretary, Public Works Branch, has nothing to do?

(b) If the answer to part (a) be in the affirmative, do Government propose to abolish his post?

**The Honourable Sir Frank Noyce:** (a) The Honourable Member's supposition is entirely incorrect.

(b) Does not arise.

!1032\*—1036.\*

#### DUTIES AND ALLOWANCES, ETC., OF THE LIBRARIAN OF THE ARCHÆOLOGICAL DEPARTMENT.

1037. \***Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Sahib Bahadur): (a) Will Government be pleased to state if the library of the Archæological Department also moves to Delhi along with the main office?

(b) If so, what is the amount of expenditure annually incurred in this connection?

(c) Will Government be pleased to state what the duties of the Librarian of the Archæological Department are?

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† These questions have already been answered; see pages 1488—90 of L. A. Debates, dated 28th September, 1932.

(d) Is it a fact that the Librarian gets an allowance of Rs. 50 per mensem for six months during the winter season?

(e) Is it a fact that he pays a visit to Delhi every year during the winter season and stays there for a couple of months?

(f) If the reply to part (e) be in the affirmative, will Government be pleased to state:

(i) the object of the Librarian's stay in Delhi,

(ii) who performs the duties of the Librarian in Simla during the latter's absence, and

(iii) whether the substitute gets any allowance; if not, why not?

**Mr. G. S. Bajpai:** (a) No.

(b) Does not arise.

(c) The duties of the Librarian in the office of the Director General of Archaeology in India are the same as those of any other Librarian.

(d) Yes.

(e) Yes.

(f) (i) The main object of his moving to Delhi is to assist the Director General of Archaeology at Delhi in the reading of the proofs of the Annual Departmental Report. (ii) and (iii). There is not much demand for books during the winter months, which is the period of field work, so the Librarian can move to Delhi without detriment to his duty of issuing books.

#### PURCHASE OF PUBLICATIONS FOR THE LIBRARY OF THE ARCHÆOLOGICAL DEPARTMENT.

1038. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Sahab Bahadur): (a) Will Government be pleased to place on the table two statements showing the subject, language and price of each publication purchased for the Archæological Library in 1929-30 and 1931-32, respectively?

(b) Is it a fact that since the last two or three years most of the books required for the Archæological Department Library are purchased from Lahore booksellers?

(c) What percentage of discount is given by the Lahore booksellers and has the amount so received been credited to Government?

(d) What amount of discount was given by Messrs. Thacker, Spink & Company when they supplied the books?

**Mr. G. S. Bajpai:** (a) The statements asked for are placed on the table.

(b) No.

(c) No discount was given as all the books were not bought from one and the same bookseller.

(d) Ten per cent.

*Statement showing the subject, language and price of each of the publications purchased for Archaeological Library during the years 1929-30 and 1931-32.*

1929-30.

Subject.	Language.	Prices.
Photography . . . . .	English . . . . .	£ 0 3 0
Religion, Japanese . . . . .	Do. . . . .	£ 0 1 0
Art, Indian . . . . .	Do. . . . .	Rs. 20 0 0
Pre-History . . . . .	Do. . . . .	£ 1 5 0
History, Asia . . . . .	Do. . . . .	£ 0 15 0
Religion, Buddhism . . . . .	Do. . . . .	£ 0 5 0
Art, Siamese . . . . .	Do. . . . .	£ 0 3 0
Reference (Directory) . . . . .	Do. . . . .	Rs. 32 0 0
Arts, Indian . . . . .	Do. . . . .	£ 0 1 0
History, Sumer . . . . .	Do. . . . .	£ 0 3 0
Reference, English . . . . .	Do. . . . .	Rs. 5 8 0
Egyptology . . . . .	Do. . . . .	£ 3 1 0
Archæology, Western Asia . . . . .	Do. . . . .	£ 1 0 0
Anthropology . . . . .	Do. . . . .	£ 0 18 0
Bibliography . . . . .	Do. . . . .	£ 1 15 0
Arts, Persian . . . . .	Do. . . . .	£ 0 15 0
History, Southern India . . . . .	Do. . . . .	Rs. 10 0 0
Archæology, Persian . . . . .	French . . . . .	£ 1 0 0
Ditto . . . . .	Do. . . . .	£ 0 5 0
Ditto . . . . .	Do. . . . .	£ 1 0 0
Epigraphy, Sumer . . . . .	Do. . . . .	£ 2 0 0
Ceramics, Persian . . . . .	Do. . . . .	£ 0 10 0
Epics, Indian . . . . .	Sanskrit . . . . .	Rs. 14 0 0
Archæology, Central Asia . . . . .	English . . . . .	Rs. 2 0 0
Topography, N.-W. F. Province . . . . .	Do. . . . .	£ 0 18 0
Technical Arts . . . . .	Do. . . . .	Rs. 30 0 0
Archæology . . . . .	Do. . . . .	Rs. 10 0 0
Ethnology, China . . . . .	Do. . . . .	£ 0 7 0
Ditto India . . . . .	Do. . . . .	Rs. 15 0 0
Philology . . . . .	Do. . . . .	£ 1 8 0
History, Asia . . . . .	Do. . . . .	£ 0 15 0
Ditto . . . . .	Do. . . . .	£ 0 10 0
Reference . . . . .	Do. and French . . . . .	Rs. 6 9 0
Ditto . . . . .	English . . . . .	Rs. 7 0 0
Ditto . . . . .	Do. . . . .	Rs. 5 10 0
Ditto . . . . .	Do. . . . .	Rs. 5 8 0
Ditto . . . . .	Do. . . . .	Rs. 5 10 0
Epigraphy . . . . .	Sanskrit . . . . .	Rs. 14 0 0
Reference . . . . .	English . . . . .	£ 2 0 0
Archæology, Asia Minor . . . . .	Do. . . . .	£ 0 18 0
Ditto French Indo-China . . . . .	French . . . . .	Francs 330.
Technical Arts . . . . .	English . . . . .	£ 0 5 0
Ditto . . . . .	Do. . . . .	Rs. 25 0 0
Reference . . . . .	Sanskrit . . . . .	£ 3 0 0
Archæology, Central Asia . . . . .	German . . . . .	£ 21 0 0
Topography, Sind . . . . .	English . . . . .	Rs. 120 0 0
Ditto Afghanistan . . . . .	Do. . . . .	Rs. 75 0 0
Numismatics, India . . . . .	Do. . . . .	£ 0 15 0
Archæology, Mesopotamia . . . . .	Do. . . . .	£ 0 5 0
Topography, India . . . . .	Do. . . . .	Rs. 20 0 0
Reference . . . . .	Do. . . . .	Rs. 18 0 0
Technical Arts . . . . .	Do. . . . .	Rs. 20 0 0
History, India . . . . .	Do. . . . .	Rs. 31 0 0
Ditto Sumer . . . . .	Do. . . . .	Rs. 10 0 0
Reference (Dictionary) . . . . .	Prakrit . . . . .	Rs. 40 0 0
Archæology, Indian . . . . .	English . . . . .	£ 3 0 0
Reference . . . . .	Do. . . . .	Rs. 7 0 0
Religion, Buddhism . . . . .	Do. . . . .	Rs. 25 0 0
Biography, Muslim . . . . .	German . . . . .	£ 0 15 0
Archæology, Greek . . . . .	English . . . . .	£ 0 7 0
Arts, Indian . . . . .	Do. . . . .	£ 0 17 0

1929-30—*contd.*

Subject.	Language.	Prices.
Chronology, Muslim	German	£ 0 15 0
Archæology, Assyria	English	£ 0 3 0
Archæology, Asia Minor	German	£ 0 5 0
Reference (Dictionary)	Pali-English	£ 0 7 0
Archæology, English	English	£ 0 9 0
Statistics	Do.	Rs. 3 0 0
Bibliography	Do.	£ 0 5 0
Archæology, Asia	French	£ 1 8 0
History	Do.	£ 1 19 0
History, Asia	English	£ 0 15 0
History, Afghanistan	Do.	£ 3 0 0
Topography, India	Do.	Rs. 12 0 0
History, Greek	Do.	£ 0 7 0
History, India	Do.	Rs. 40 0 0
Ditto	Do.	Rs. 35 0 0
Ditto	Do.	£ 1 10 0
Travels	Do.	Rs. 20 0 0
Ditto	Do.	Rs. 80 0 0
Bibliography	Do.	Rs. 40 0 0
Topography, India	Do.	Rs. 100 0 0
Archæology, Mesopotamia	Do.	£ 1 0 0
Art, Muslim	Do.	£ 3 6 0
History, Egypt	Do.	£ 1 12 0
Archæology, Greek and Roman	Do.	£ 3 8 0
Art, Persian	Do.	£ 0 12 0
History, India	Do.	Rs. 12 0 0
Ditto	Do.	Rs. 7 6 0
Pre-History	Do.	Rs. 30 0 0
History, India	Do.	Rs. 30 0 0
Archæology, Mesopotamia	Do.	£ 1 10 0
History, America	Do.	£ 0 15 0
Religion (Islam)	Do.	£ 0 3 0
Religion, Chinese	Do.	£ 0 7 0
History, Europe	Do.	£ 1 15 0
Ditto	Do.	£ 0 15 0
Pre-History, Europe	Do.	£ 0 7 0
Archæology, Asia Minor	Do.	£ 0 17 0
Ditto	Do.	£ 0 12 6
Archæology, Syrian	Do.	£ 0 12 6
Archæology, Egypt	Do.	£ 0 4 0
Archæology, Syria	Do.	£ 0 7 0
Archæology, Egypt	Do.	£ 0 17 0
Numismatics	Do.	£ 5 7 0

1931-32.

History, Babylon	German	£ 1 12 5
Philology	Do.	£ 6 11 5
Archæology, Cambodia	French	France 360
Archæology	English	Rs. 6 0 0
Philology, Sanskrit	Do.	£ 1 1 8
Art, Persian	Do.	£ 0 9 6
Art	German	£ 2 17 6
History, India	English	Rs. 31 0 0
Art, Persian	Do.	£ 0 3 2
Reference (Nepali English)	Do.	£ 3 15 8
Archæology, Greek	Do.	£ 1 0 3
Topography, England	Do.	Rs. 3 0 0
Art, Persian	Do.	£ 0 5 11
History, Persia	Do.	£ 1 7 0
Palæography, India	Do.	£ 0 5 0
Topography, India	Do.	Rs. 8 0 0
(4 copies.)		
Statistics	Do.	Rs. 1 6 0
		Rs. 0 5 0
Epics, India	Sanskrit	Rs. 6 0 0

1931-32—contd.			
Subject.	Language.	Prices.	
Bibliography . . . . .	English . . . . .	£ 0 16 0	
History, Sind . . . . .	Do. . . . .	Rs. 4 5 0	
Literature, Persian . . . . .	Do. . . . .	£ 3 15 0	
Religion, Buddhism . . . . .	Do. . . . .	£ 0 11 3	
Religion, Palestine . . . . .	Do. . . . .	£ 0 11 3	
Archæology, Palestine . . . . .	Do. . . . .	£ 0 11 3	
History, Mesopotamia . . . . .	Do. . . . .	£ 0 11 3	
Palmography, Greek . . . . .	Do. . . . .	£ 0 9 6	
Persian literature . . . . .	Persian . . . . .	Rs. 24 0 0	
		(8 books.)	
Reference . . . . .	English . . . . .	Rs. 7 8 0	
Archæology, Indian . . . . .	French . . . . .	£ 1 4 0	
Art, Egypt . . . . .	English . . . . .	£ 1 19 9	
History, Europe . . . . .	Do. . . . .	Rs. 7 8 0	
Literature, Persian . . . . .	Persian . . . . .	Rs. 3 0 0	
Ditto . . . . .	Do. . . . .	Rs. 2 0 0	
Ditto . . . . .	Do. . . . .	Rs. 2 8 0	
Archæology, Greek and Roman . . . . .	English . . . . .	£ 0 18 0	
History, Mesopotamia . . . . .	Do. . . . .	£ 1 18 0	
Bibliography . . . . .	Do. . . . .	Rs. 2 0 0	
Literature, Egypt and Western Asia . . . . .	Do. . . . .	£ 0 5 11	
Archæology (Europe) . . . . .	Do. . . . .	£ 4 1 6	
Religion, India . . . . .	Sanskrit . . . . .	Rs. 14 0 0	
Pre-History . . . . .	English . . . . .	£ 0 17 0	
History, Orissa . . . . .	Do. . . . .	Rs. 20 0 0	
Archæology (British) . . . . .	Do. . . . .	£ 0 3 10	
Archæology (Europe) . . . . .	Do. . . . .	£ 0 14 6	
Topography, India . . . . .	Do. . . . .	£ 0 8 0	
Ditto . . . . .	Do. . . . .	£ 0 10 6	
Ditto . . . . .	Do. . . . .	Rs. 6 0 0	
Reference (Pali-English) . . . . .	Pali-English . . . . .	£ 0 7 6	
Archæology, Greek . . . . .	English . . . . .	£ 1 1 6	
History, India . . . . .	Do. . . . .	Rs. 5 0 0	
Literature, Indian . . . . .	Do. . . . .	£ 0 2 6	
Arts, Indian . . . . .	Do. . . . .	£ 0 11 0	
Ditto . . . . .	Do. . . . .	£ 0 3 9	
Religion, Roman . . . . .	Do. . . . .	£ 0 5 0	
Religion, Greek and Roman . . . . .	Do. . . . .	£ 0 5 0	
Religion, Buddhism . . . . .	Do. . . . .	£ 0 9 6	
Literature, Indian . . . . .	Do. . . . .	£ 0 5 0	
Archæology, Syria . . . . .	Do. . . . .	£ 0 12 6	
Palmography, Semitic . . . . .	French . . . . .	£ 0 4 0	
Reference, English . . . . .	English . . . . .	Rs. 5 8 0	
Ceramics, Greek, Roman and Etruscan . . . . .	Do. . . . .	£ 3 19 0	
History, Roman . . . . .	Do. . . . .	£ 2 0 6	
Archæology, Mesopotamia . . . . .	German . . . . .	£ 14 0 0	
Art, Persian . . . . .	Do. . . . .	£ 0 16 0	
Archæology, Egypt . . . . .	French . . . . .	£ 7 11 0	
Religion, Persian . . . . .	English . . . . .	£ 0 3 6	

**Dr. Ziauddin Ahmad:** Why is this differentiation made between Messrs. Thacker Spink and other booksellers?

**Mr. G. S. Bajpai:** Weil, I have explained in my answer that the booksellers in Lahore are asked to supply only one or two books whereas Messrs. Thacker Spink supply books in quantity.

#### FILLING UP OF THE POSTS OF DRAUGHTSMEN IN THE AGRA CIRCLE OF THE ARCHÆOLOGICAL DEPARTMENT.

1039. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saleh Bahadur): (a) Will Government please state if the six newly created posts of draughtsmen in the Agra Circle of the Archæological Department have been filled?

(b) If the reply to part (a) be in the affirmative, will Government please state:

- (i) what the names, qualifications and the nationality of the candidates selected are,
- (ii) whether the posts were duly advertised and, if so, in what newspapers,
- (iii) whether the candidates selected are among those who applied for these in response to advertisements,
- (iv) if the reply to part (iii) be in the negative, what other procedure was adopted for selecting candidates and why, and
- (v) whether the retrenched men were given an opportunity to accept these posts?

**Mr. G. S. Bajpai:** (a) Five of these posts have so far been filled.

(b) (i) A statement giving the names, qualifications and nationality of the candidates selected is laid on the table.

(ii) No.

(iii) Does not arise.

(iv) The posts were not advertised because a large number of applications from qualified draughtsmen including retrenched men were already available from which a selection was made of those considered most suitable.

(v) Yes.

*Statement giving the names, qualifications and the nationality of the candidates selected for the posts of draughtsmen in the Northern Circle of the Archaeological Department.*

Names.	Qualifications.	Nationality.
Mr. Gulab Chand . . . .	Formerly temporary draughtsman in the office of the Superintendent, Archaeological Survey, Northern Circle, Agra, from 1929 until his retrenchment in September, 1931	Sikh.
Mr. Madan Mohan . . . .	Possesses 8 years' experience as draughtsman in the Central Public Works Department, New Delhi, and the office of the Divisional Superintendent, North Western Railway. Held a permanent post in the Drawing Branch of Railway Board of the Government of India until 15th June, 1932 when he was retrenched	
Mr. Qamruddin . . . .	Worked for some time as a draughtsman in the office of the District Engineer, Agra, and then held a temporary post of draughtsman in the office of the Superintendent, Archaeological Survey, Northern Circle, Agra, from 1928 until his retrenchment in September, 1931.	Hindu.
Mr. Agha Mohd. Sadiq . . . .	Retrenched from the office of the Superintendent, Archaeological Survey, Northern Circle, Agra	Muhammadian.
Mr. Gauri Shankar . . . .	His specimen drawings were examined and were found superior to those of other applicants	Hindu.

### LOSS IN THE WORKING OF THE SURVEY PRINTING OFFICE, DEHRA DUN.

1040. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Are Government aware that the Printing Office attached to the Survey of India at Dehra Dun is working at a loss to the State? If the answer be in the affirmative, have Government taken any steps to avoid this? If not, why not?

(b) Is it a fact that there is no check of quantity of work by workmen or the output of the Survey Printing Office at Dehra Dun as is done in other Government Presses?

(c) Have Government considered the desirability of getting the accounts of the said printing office checked by the Government auditor every year with a view to knowing exactly how the press in question is working?

(d) Is it a fact that in the said press printing work of certain persons of the Survey Department is done free and private work of outsiders is also undertaken and charged for? Is it credited to Government? If not, who gets it?

(e) Is it a fact that experienced men taken from outside the presses to check the irregularities prevalent in the Survey Printing Office were retrenched? If so, why?

**Mr. G. S. Bajpai:** (a) The Survey of India Printing Office at Dehra Dun is employed on departmental work only and its cost is therefore directly charged to Government, there is no question of profit or loss in this.

(b) No. Daily check is maintained on individual outturn.

(c) The Printing Office is a section of the Geodetic Branch and the accounts of this Branch are audited every year by the Accountant General of the United Provinces. Separate accounts are not maintained for the Printing Office.

(d) The answer to the first part is in the negative. Other portions do not arise.

(e) Some men, who could not be usefully employed, were retrenched as a measure of economy, and not because of their alleged corrective activities, for which no special appointments were either necessary or made.

**Dr. Ziauddin Ahmad:** In view of the great loss in the printing, is it not possible for the printing to be done by some other printing works?

**Mr. G. S. Bajpai:** This question was gone into by the Controller of Printing a few years ago and he came to the conclusion that in view of the very technical nature of the printing to be done this office had better be maintained.

### REPRESENTATIONS OF EMPLOYEES OF THE SURVEY PRINTING OFFICE, DEHRA DUN.

**\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): Is it a fact that representations of employees

of the Survey Printing Office, Dehra Dun, do not reach the officer in charge nor any employee is allowed an interview to ventilate his grievances to the officer in charge?

**Mr. G. S. Bajpai:** No, Sir.

**RETENTION OF THE POST OF ASSISTANT SUPERVISOR IN THE SURVEY PRINTING OFFICE, DEHRA DUN.**

1042. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): Have Government considered the question whether it is at all necessary to retain the post of Assistant Supervisor in the grade of Rs. 225—375 to supervise a staff of 15 men in the Survey Printing Office at Dehra Dun?

**Mr. G. S. Bajpai:** The staff of the Printing Office consists of 24 men. The post of Assistant Supervisor on a time-scale pay of Rs. 225—15—375 was created in 1929 at the suggestion of the Controller of Printing and Stationery (India) who personally inspected the Printing Office. The arrangement has had excellent results, and the retention of an Assistant Supervisor having special technical qualifications is still considered essential for the efficient working of the Office.

**IRREGULARITIES IN THE SURVEY PRINTING OFFICE, DEHRA DUN.**

1043. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): Is it a fact that the Controller of Printing and Stationery visited the Survey Printing Office at Dehra Dun and pointed out certain irregularities in his inspection report? Has any improvement been made in the direction as proposed by the Controller?

**Mr. G. S. Bajpai:** The answer to both parts of the question is in the affirmative.

**PROPORTION OF RETRENCHED EMPLOYEES OF EACH COMMUNITY OF THE SURVEY PRINTING OFFICE, DEHRA DUN.**

1044. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Are Government aware that in retrenching the Survey employees in general and Printing Office employees at Dehra Dun in particular, no consideration was given to service, efficiency, cadre and community and Government orders in that respect were overlooked when retrenching men?

(b) Will Government please lay on the table a brief statement showing the proportion of retrenched employees of each community of the Survey Printing Office at Dehra Dun?

**Mr. G. S. Bajpai:** (a) Due attention was paid to considerations of service, efficiency and community in effecting retrenchment in the Survey of India including the Printing Office at Dehra Dun.

(b) A statement giving the desired information is laid on the table of the House.



*Statement showing the number and percentage of retrenched employees of each community in the Survey of India Printing Office, Dehra Dun.*

	Strength before retrenchment.	Retrenched.	Strength after retrenchment.	Percentage of retrenched men of each community to their original strength.
				Per cent.
Hindu . . . .	41	30	11	73
Moslems . . . .	24	13	11	54
Indian Christians . . . .	2	..	2	..
Total . . . .	67	43	24	64

**MUSLIMS APPOINTED TO GAZETTED RANKS IN THE INCOME-TAX DEPARTMENT, PUNJAB.**

1045. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): Will Government kindly state the number of individuals appointed or promoted to the gazetted ranks of the Income-tax Department of the Punjab, etc., and the number of Muslims in those figures?

**The Honourable Sir Alan Parsons:** A statement giving the information required is laid on the table.

*Communal composition of the Gazetted staff of the Income-tax Department, Punjab, North-West Frontier Province and Delhi as it stood on 31st December, 1931.*

	No. of posts.	Punjab, North-West Frontier Province and Delhi. Number held by Muslims.				
Assistant Commissioners of Income-tax . . . .	3	Nil				
	Punjab.		North-West Frontier Province.		Delhi.	
	Number of posts.	Number held by Muslims.	Number of posts.	Number held by Muslims.	Number of posts.	Number held by Muslims.
Income-tax Officers . . . .	30	6	1	2	3	1
Assistant Income-tax Officers . . . .	8	4	1	Nil	2	1

RENT PAID FOR BUILDINGS OCCUPIED BY THE INCOME-TAX DEPARTMENT  
AT LAHORE.

1046. \*Maulvi Muhammad Shafee Daoodi (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Will Government please state the total number of buildings occupied by the Income-tax Department at Lahore and the annual rent paid for them?

(b) Are Government aware that the rent generally paid for these buildings is much higher than would be paid for similar other buildings in similar localities?

(c) Is it a fact that many of the owners of the buildings in question are either the relatives of the Superintendent of the office of the Commissioner of Income-tax or belong to his place of residence?

(d) Do Government propose to consider the advisability of appointing an Investigating Officer to find out whether the rents paid by the Income-tax Department are reasonable and fair?

(e) Do Government propose to enquire whether the Superintendent referred to above receives any commission or discount for the rents paid to the owners of the buildings?

(f) If the reply to part (e) be in the affirmative, are Government prepared to take steps to have the amount so far received by the Superintendent refunded by him and credited to Government?

**The Honourable Sir Alan Parsons:** (a) Three buildings for the permanent staff at an annual rent of Rs. 10,800. One building for the temporary staff on a monthly rental of Rs. 175.

(b) No.

(c) No.

(d) No.

(e) Certainly not.

(f) Does not arise.

1047\*—1049.\*

NUMBER OF MUSLIMS AND NON-MUSLIMS EMPLOYED IN THE INDIAN STORES  
DEPARTMENT.

1050. \*Maulvi Muhammad Shafee Daoodi (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): Will Government please state the number of Muslims and non-Muslims (of the ministerial service) employed in the Indian Stores Department both at the headquarters as well as in the circles?

**The Honourable Sir Frank Noyce:** The attention of the Honourable Member is invited to the statements showing the communal strength of the ministerial staff of all the offices under the Central Government, a copy of which has been placed in the Library of the House.

† These questions have already been answered: see pages 1490-91 of L. A. Debates, dated 28th September, 1932.

**GOVERNMENT CIRCULARS RE RECRUITMENT OF MUSLIMS.**

1051. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Sahab Bahadur): (a) Are Government aware that Government Circulars regarding recruitment and retention of Muslims in Government services are totally ignored by the non-Muslim establishment officers?

(b) If so, what measures do Government propose to adopt in this connection to see that their orders are actually carried out?

**The Honourable Mr. H. G. Haig:** (a) No, Sir.

(b) Does not arise.

**RETRENCHMENT OF THE POST OF ASSISTANT DIRECTOR OF ENGINEERING BRANCH IN THE INDIAN STORES DEPARTMENT.**

1052. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Sahab Bahadur): (a) Is it a fact that acting upon the recommendations of the Retrenchment Committee, the Indian Stores Department retrenched the post of the Assistant Director of Engineering Branch, but that soon afterwards another man was appointed on the same job, though with a slight change in the designation?

(b) Will Government please state why the post of the Assistant Director of Engineering in the Indian Stores Department was retrenched? Is it a fact that a new post has been created instead and that another man has now taken up the new post?

**The Honourable Sir Frank Noyce:** (a) and (b). The post of Assistant Director of Purchase (Engineering) was abolished on the recommendation of the Chief Controller of Stores who reported that there was a decline in the volume of work in the Engineering Branch. This recommendation was supported subsequently by the Stores, Printing and Stationery Sub-Committee of the Retrenchment Advisory Committee. As the work of that Branch again increased substantially, it was found necessary to utilise the services of a junior leave reserve officer to cope with the increased work. No new post has been created.

**Dr. Ziauddin Ahmad:** Is it not a fact that the post was abolished on the recommendation of the Retrenchment Committee but on account of increase of work another man was promoted to occupy the very same position?

**The Honourable Sir Frank Noyce:** No, Sir. In the first place the post was not abolished on the recommendation of the Retrenchment Committee but on that of the Chief Controller of Stores himself. In the second place no new officer, as I mentioned, has been appointed to cope with the increased work. We are merely utilising the services of a junior leave reserve officer.

**CONTRACTS SECURED BY MESSRS. DEWANCHAND AND SONS, CALCUTTA, FROM THE INDIAN STORES DEPARTMENT.**

1053. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Sahab Bahadur): (a) Is it a fact that Messrs. Dewanchand & Sons, Calcutta, tendered for double backed imitation leather cloth, but supplied single backed cloth? Have Government appreciated the full significance of this case?

(b) What is the number of contracts Messrs. Dewanchand and Sons have been able to secure from the Indian Stores Department during the last four years?

**The Honourable Sir Frank Noyce:** (a) The allegation is being investigated by the Chief Controller of Stores.

(b) 285.

**ENTERTAINMENT OF A SUPERINTENDENT OF THE INDIAN STORES DEPARTMENT BY CERTAIN FIRMS AT KARACHI.**

1054. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Are Government aware of the following facts?

The Superintendent of the Miscellaneous Branch of the Indian Stores Department while on leave during the last year went to Karachi. A firm of high standing and having large dealings with the Indian Stores Department placed a motor car at his disposal free of cost. Then a garden party was given in his honour by two firms to which two gazetted officers of the local organization of that Department were invited to meet him at the table, he being the principal guest of that evening.

(b) Have these facts been brought to the notice of the Chief Controller of Stores? If so, what action has been taken?

(c) Do Government propose to investigate into the matter or not?

(d) Is this entertainment against the Government Servants' Conduct Rules?

(e) Do Government propose to take any action in order to discourage such practice?

**The Honourable Sir Frank Noyce:** (a) Government understand that the Superintendent of the Miscellaneous Branch of the Indian Stores Department did not go to Karachi last year. The imputations in the question are thus entirely without foundation.

(b), (c), (d) and (e). Do not arise.

**Mr. Lalchand Navalrai:** May I ask the Honourable Member what is the rule governing the question of parties being given to officers by the firms with which they are concerned?

**The Honourable Sir Frank Noyce:** I should have to look up the Government Servants' Conduct Rules to give a full reply on that point. As I have pointed out, the question does not arise in this case as the officer in question did not go to Karachi at all and therefore no party could have been given to him.

**SENIORITY OF THE CLERICAL STAFF OF THE INDIAN STORES DEPARTMENT.**

1055. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): With reference to replies given by Government to the question of Kunwar Hajee Ismail Ali Khan during the last Session of this House in Delhi in connection with the seniority of the clerical staff of the Indian Stores Department, will Government please state:

(a) if it is not a fact that the pay bills of the staff are prepared according to seniority in the grade:

- (b) if no seniority was announced when the whole staff of the Indian Stores Department was confirmed;
- (c) if there was no seniority fixed at the time of confirmation, how the pay bills were prepared, and how new comers to the Department were fixed in a scale;
- (d) on what basis were promotions effected from a lower division to an upper division;
- (e) whether it took about ten years to analyse the gradation of different men, and whether there are not cases where, for want of seniority, promotions of otherwise deserving men have been retarded; if so, whether and how Government propose to deal with such men now;
- (f) if it is a fact that during these ten years, and before the final fixation of a gradation list the further advancement of some men has been entirely stopped;
- (g) if it is a fact that the seniority of clerks in the Indian Stores Department has been altered more than once during the last ten years; if so, why; and
- (h) whether Government could not decide at the time of confirmation each one's position in his grade; and why it was found necessary to change seniority so often?

**The Honourable Sir Frank Noyce:** Three questions, viz., Nos. 96, 97 and 98 were asked on this subject by Kunwar Hajee Ismail Ali Khan in this House on 29th February, 1932, and the Honourable Member is referred to the reply then given. The Chief Controller of Stores is responsible to Government generally for the efficient administration of the Department and Government do not propose to call for further information regarding these administrative details, which are matters for his discretion.

#### DISCONTENT AMONG THE HINDU POSTAL EMPLOYEES AGAINST THE POST MASTER OF SIMLA.

1056. **\*Bhai Parma Nand:** (a) Has the attention of Government been drawn to the resolutions passed by the Simla Posts and Telegraphs Hindu Union, and published in the *Daily Herald*, Lahore, dated the 18th August, 1932, and 1st September, 1932?

(b) Are Government aware that there is great discontent among the Hindu employees against the present Postmaster of Simla?

(c) Is it also a fact that there had been cases of such discontent against the Postmaster, Simla, while he was serving the Department in the Bengal and Assam Circle?

**Mr. T. Ryan:** (a) Government have seen the paper referred to.

(b) No.

(c) I understand that many years ago there were some complaints which however, were not investigated.

**Dr Ziauddin Ahmad:** May I ask whether the Government recognise the Union mentioned in this question?

**Mr. T. Ryan:** No, Sir.

**DISCONTENT AMONG THE HINDU POSTAL EMPLOYEES AGAINST THE POST MASTER OF SIMLA.**

1057. **\*Bhai Parma Nand:** (a) Is it a fact that the employees of the Postal Department at Simla have got a Hindu Union which is affiliated to the Punjab Provincial Postal Hindu Union, Lahore?

(b) Are Government aware that the prominent members of the Postal Hindu Union, Simla, are being constantly harassed by the Postmaster, Simla, and some of them are retrenched and being transferred to other places for that very reason?

**Mr. T. Ryan:** (a) Government have no information.

(b) No.

**GRIEVANCES OF THE HINDU POSTAL EMPLOYEES OF SIMLA.**

1058. **\*Bhai Parma Nand:** (a) Is it a fact that both the Town Inspectors of Simla and appointment clerk, Simla, belong to the Muslim community and the employees of the Post Office are mostly Hindus?

(b) Are Government aware that this has become the cause of many a grievance among the Hindu and Sikh employees? If so, are Government prepared to arrange to remove these grievances by replacing the appointment clerk by a Hindu, Sikh or Christian and by appointing a Hindu Town Inspector at Simla?

**Mr. T. Ryan:** (a) During the winter season there is only one Town Inspector in Simla. At present a Sikh is officiating in this post. During the summer season there are two Town Inspectors and last summer one of these was a Hindu. The appointment clerk, Simla, is a Muslim. It is a fact that the employees of the Simla Post Office are mostly Hindus.

(b) The reply to the first part is in the negative. As regards the second part, the appointments in question were made by the Postmaster-General, Punjab, and Government see no reason to interfere with the discretion of that officer.

**Sir Muhammad Yakub:** Are Government prepared to accept the same principle which is suggested by the questioner in cases where the Muslims are the aggrieved parties, which is generally the case in all departments?

**Mr. T. Ryan:** I do not understand clearly what is the precise principle involved, but certainly Government will abide by the same principles in respect of all communities.

**Sir Muhammad Yakub:** The principle is that of transferring the officer when the aggrieved party is a Muslim and the officer happens to be a non-Muslim which is generally the case.

**Dr. Ziauddin Ahmad:** Is it not a fact that I referred a similar case to the Director General and he returned it with a slap on my face that the Union could not be recognised as it was a Muslim Union.

**Mr. T. Ryan:** I did not catch the Honourable Member very clearly, but I think he charged me with having given him an impolite reply. I feel sure that he is mistaken.

**Dr. Ziauddin Ahmad:** The letter was signed by the Honourable Member himself. He refused to consider the case, although it was a very genuine case.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. Next question, please.

**GRIEVANCES OF THE HINDU POSTAL EMPLOYEES AGAINST THE POST MASTER OF SIMLA.**

1059. **\*Bhai Parma Nand:** (a) Is it a fact that the Muslim Town Inspector of Simla had been brought under retrenchment and in spite of that fact he has been kept on by the Postmaster, Simla? If so, why?

(b) Are Government aware that the persons who made certain allegations against the above Town Inspector are being harassed by the Postmaster, Simla, in various ways?

**Mr. T. Ryan:** (a) The reply to the first part of the question is in the affirmative and to the second part in the negative. The third part does not arise.

(b) No.

**RETRENCHMENT OF FIVE INCOME-TAX OFFICERS IN THE UNITED PROVINCES.**

1060. **\*Bhai Parma Nand:** Are Government aware that under the re-organisation scheme of the Income-tax Department in the United Provinces, five Income-tax officers have been served with a notice to demit office by the afternoon of 31st October, 1932? If so, what is the principle in pursuance of which the above five persons have been selected for retrenchment?

**The Honourable Sir Alan Parsons:** Yes. Out of the five Income-tax Officers, one had put in a service of over 30 years and the other about 30 years. The other three were retrenched as their work had been reported to be unsatisfactory that their retention in the Department when others were being discharged was undesirable.

**Mr. Lalchand Navalrai:** Have the officers made any appeal to the Government?

**The Honourable Sir Alan Parsons:** Not so far as I am aware. Certainly no appeal has come before me.

**OFFICERS OF THE UNITED PROVINCES CIVIL SERVICE ON DEPUTATION IN THE INCOME-TAX DEPARTMENT.**

1061. **\*Bhai Parma Nand:** Are Government aware that there are 12 officers of the United Provinces Civil Service on deputation to the Income-tax Department who get a deputation allowance of Rs. 100 per mensem and these officers are allowed the services of an examiner of accounts to help them in the examination of accounts whereas the directly recruited officers do this work unaided? Have Government considered whether it would not be more economical to send these officers back to their old posts and save the allowances paid to their assistants?

**The Honourable Sir Alan Parsons:** The facts are as stated in the first part of the question, except that the officers are not on deputation to the Income-tax Department and that their additional remuneration takes the form of special pay and not deputation allowance. The posts which they fill form part of the cadre of the United Provinces Civil Service and, if these posts were to be abolished, there can be no other posts in that service to which they could be reverted. The Government of the United Provinces were recently asked if they could take back one man who had been selected for retrenchment, but they have replied that they were not in a position to take back any Deputy Collectors for some time to come. They are not under any obligation to take back men from the Income-tax Department.

#### CREATION OF CERTAIN POSTS OF INSPECTORS IN THE INCOME-TAX DEPARTMENT OF THE UNITED PROVINCES.

1062. **\*Bhai Parma Nand:** Are Government aware that under the re-organisation of the Income-tax Department, United Provinces, some posts of Inspectors have been created which have resulted in the reduction of the Income-tax officers? If so, why? How much saving do Government expect from this step?

**The Honourable Sir Alan Parsons:** Yes. With the exception of the United Provinces there is at present in all other Provinces a cheaper agency consisting of Inspector-Accountants or Examiners of Accounts who assist the Income-tax Officers in checking accounts of assesseees or do out-door work such as local enquiries, surveys, etc. This agency has now been introduced in the United Provinces but Government do not think that the efficiency of the Department will suffer, since it has not suffered in other provinces by the employment of a similar agency. The saving expected on account of the retrenchment of five Income-tax Officers and employment of Inspectors in their places is estimated at about Rs. 15,000 a year.

#### RECRUITMENT IN THE INCOME-TAX DEPARTMENT FROM THE RETRENCHED STAFF.

1063. **\*Bhai Parma Nand:** Are Government prepared to issue instructions to the Income-tax Department that preference will be given to the retrenched officers in case of vacancy or recruitment to this Department in any other province provided they pass a test in the language of that province?

**The Honourable Sir Alan Parsons:** No. Out of five, three officers were retrenched on grounds of unsatisfactory work and two had put in thirty years service.

#### COMMUNAL COMPOSITION OF RECRUITING OFFICERS IN THE PUNJAB POSTAL DEPARTMENT.

1064. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Will Government be pleased to state the total number of Recruiting Officers such as Superintendents of Post Offices, Head Clerks to Superintendent of Post Offices, Post Masters, Inspectors of Post Offices, and Town Inspectors in the Punjab Postal Department?

(b) How many of each class are Hindus and how many Muslims?

(c) What is the percentage of Muslim and Hindu candidates for the above posts?



(d) What was the percentage of Muslims in the above posts before retrenchment?

(e) What is the percentage of Muslims after retrenchment?

(f) If the Muslim community is still inadequately represented in the above cadre, what action do Government propose to take to bring their number up to the mark?

**Mr. T. Ryan:** (a) Of the officers in question only Superintendents of Post Offices, Postmasters and Inspectors of Post Offices are recruiting officers. In the Punjab Postal Circle, there are 18 Superintendents of Post offices, 38 Postmasters and 45 Inspectors of Post Offices.

	Hindus.	Muslims.
(b) Superintendents of Post Offices including Assistant Postmasters General . . . . .	3	9
Postmasters. . . . .	18	10
Inspectors of Post Offices . . . . .	27	16
(c) Candidates for the cadre of Superintendents of post offices . . . . .	Muslims 50 per cent., Hindus 33·3 per cent.	

These figures relate to departmental candidates and Probationary Superintendents in the Punjab Postal Circle, but the cadre of Superintendents of Post Offices being an All-India one, promotion to that cadre is not made on a provincial basis.

As regards candidates for the cadre of Postmasters, promotion to such posts is made according to seniority and fitness from the gradation list of officials on the ordinary clerical time-scales of pay and no separate waiting list of candidates eligible for such promotion is maintained.

As regards candidates for the cadre of Inspector of Post Offices, Muslims 38·5 per cent., Hindus 50 per cent.

I may remark that the orders regarding communal representation do not apply to departmental promotions to the three categories just named:

(d) Superintendents of Post Offices . . . . .	39 per cent.
Postmasters. . . . .	26·31 per cent.
Inspectors of Post Offices . . . . .	38·96 per cent.
(e) Superintendents of Post Offices . . . . .	41 per cent.
Postmasters. . . . .	26·31 per cent.
Inspectors of Post Offices . . . . .	36·49 per cent.

With regard to the last two categories, I may remark that with a view to maintaining as far as possible the communal proportions existing before retrenchments were made, they are taken together with the ordinary time-scale clerical cadre for purposes of retrenchment.

(f) Appointments to posts referred to by the Honourable Member are made by promotion to which the orders regarding communal representation do not apply. The Honourable Member is referred to the reply given to Mr. Anwar-ul-Azim's starred questions Nos. 72 and 330 in this House on the 5th September, 1928, and 30th January, 1929, respectively.

**Dr. Ziauddin Ahmad:** Is it not a fact that one Muslim Inspector was removed from office on the ground of the threat of a strike from certain persons?

**Mr. T. Ryan:** No, Sir. That statement has been repeatedly made and has repeatedly been contradicted. He was removed because he was thoroughly unsatisfactory. I myself went through his record of service, and I agree that a mistake was made. The mistake made was in retaining him in service for a number of years past.

**Dr. Ziauddin Ahmad:** Is it not a fact that the Director General issued instructions not to issue the orders for removing men from service before he had decided on the case, but that before he decided the case he was removed?

**Mr. T. Ryan:** No, Sir. I issue no instructions, in accordance with the well-known practice of not interfering unduly with the discretion of Postmasters General. I asked the Postmaster General in this case whether it would not be desirable to postpone the execution of his orders until the case had been reviewed on appeal. It was in reply to that letter that I was furnished with this individual's full record of service and the reasons why he was discharged, and, having read it, I concluded that the only mistake made was in retaining him for so long.

**Dr. Ziauddin Ahmad:** Is it not a fact that the order was issued *before* the Director General could make inquiries himself?

**Mr. T. Ryan:** It is a fact that orders discharging this man were issued before the case came to my notice. It came to my notice before the orders could be made effective, owing to the necessity of appointing somebody to take this man's place, it is true that in the intervening period this inquiry took place, and I found no need to interfere with the due execution of the orders.

**Dr. Ziauddin Ahmad:** I am not satisfied with the reply.

#### PERCENTAGE OF MUSLIMS IN THE TIME-SCALE CLERICAL CADRE IN THE PUNJAB POSTAL CIRCLE.

1065. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): Will Government be pleased to intimate:

- (a) the percentage of Muslims in the time-scale clerical cadre in the Punjab Postal Circle before retrenchment.
- (b) the percentage of Muslims after retrenchment, and
- (c) the percentage of Muslim candidates on the waiting lists?

**Mr. T. Ryan:** (a) 38.1 per cent.

(b) 38.2 per cent.

Here also the remark I have just made in reply to part (c) of the Honorable Member's question No. 1064 applies.

(c) 34.76 per cent.

#### RETRENCHMENT OF MUSLIMS IN THE PUNJAB POSTAL DEPARTMENT.

1066. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Is it a fact that Government issued orders to keep the communal composition in view before effecting retrenchment?

(b) Is it a fact that Muslims have been retrenched in large number in the Punjab Postal Circle while Hindus and Sikhs having more than 80 years' service and some after attaining superannuation age have been retained in service (such as R. S. Iqbal Nath, Deputy Post Master, Simla, and Mr. Hira Lal, sub-record clerk, Railway Mail Service, Simla)?

(c) Is it a fact that the percentage of Muslims in the clerical cadre was very poor and has greatly been reduced by retrenchment?

(d) If so, are Government prepared to direct the retrenching officers to review the cases again and cancel the retrenchment order on Muslims?

**Mr. T. Ryan:** (a) Yes, the communal proportion existing before retrenchment began is to be maintained as far as possible.

(b) No. The selection of personnel for retrenchment was made strictly in accordance with the principle just referred to.

(c) The percentage of Muslims in the clerical cadre as a whole is the same as it was before retrenchment.

(d) Does not arise.

#### ORDERS *re* RESERVATION OF EVERY THIRD VACANCY FOR INADEQUATELY REPRESENTED COMMUNITIES IN THE POSTAL DEPARTMENT.

1067. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Is it a fact that the Government of India issued orders to reserve every third vacancy for the inadequately represented community (Muslims) in the Postal Department in November, 1927?

(b) Is it also a fact that the Director-General of Posts and Telegraphs being satisfied that the above orders were not being carried out generally by the recruiting officers of the Department issued a warning on the 3rd September, 1930, that if any officer in future disregarded these orders, he would not only be considered to have a communal bias but that some disciplinary action would also be taken against him?

**Mr. T. Ryan:** (a) The fact is not exactly as stated. Orders were issued by the Director General that in recruiting for the clerical establishments of the Posts and Telegraphs Department one-third of all permanent vacancies should be reserved for the redress of communal inequalities. The position has been fully explained in the replies given in this House to Mr. Muhammad Anwar-ul-Azim's starred questions Nos. 352 and 330 on the 7th March, 1928, and 30th January, 1929, respectively, to which the Honourable Member's attention is invited.

(b) Yes.

#### ALLEGED COMMUNAL BIAS OF THE POSTAL TOWN INSPECTOR OF SIMLA.

1068. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Is it a fact that before March, 1932, out of 270 postmen and lower staff of Simla there were only five Muslims and no less than 265 Hindus?

(b) Is it a fact that between November, 1927, and March, 1932, more than 85 vacancies occurred in the cadre of postmen and lower staff at Simla and that all of them were given to Hindus except two? If so, why?

(c) Is it a fact that the Hindu Town Inspectors were called upon to explain in July, 1932, for giving all the permanent and temporary posts to Hindus and keeping no Muslim candidate on the waiting list?

(d) Is it a fact that the charges were proved against the Town Inspector and that no punishment was inflicted on this account, and that he was appointed Divisional Inspector at Muzaffargarh?

(e) Will Government kindly state whether they have considered the desirability of taking disciplinary action against his superior officer who has failed to take action against a clear case of communal bias?

**Mr. T. Ryan:** (a) There were 260 postmen and inferior servants, of whom six were Muslims and 253 Hindus.

(b) There were 95 vacancies in the period in question, 45 of which were filled by promotion, 10 posts were not filled and the remaining 40 vacancies were filled by new recruits, of whom 39 were Hindus and one a Muslim. As regards the last part of the question, Government are enquiring into the matter and will take such action as they consider necessary.

**Sir Muhammad Yakub:** Will Government be pleased to state why only one Muslim was appointed?

**Mr. T. Ryan:** I think the Honourable Member did not hear my last remark:

"As regards the last part of the question, Government are enquiring into the matter and will take such action as they consider necessary."

**Sir Muhammad Yakub:** How long will it take? Probably one century more, when there will be no British Government in India.

**Mr. T. Ryan:** I think the Honourable Member is unduly pessimistic.

**Sir Muhammad Yakub:** More optimistic than I ought to have been. I may remark that the answers which have been given by the Honourable Member since yesterday as regards appointments in his Department are most disappointing to Muslims, and I must give expression to this.

**Mr. T. Ryan:** To continue my reply, Sir. . . .

**Sir Muhammad Yakub:** Is the Honourable Member aware that his answers are considered by the Muslims as very unsatisfactory?

**Mr. B. Das:** Is it in order for an Honourable Member to interrupt before the answer of the Government Member is concluded?

(At this stage Sir Muhammad Yakub was making some remarks by way of interruption from his seat and there were some counter-interruptions.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order.

**Mr. T. Ryan:** I shall now continue my reply, Sir.

(c) One Hindu Town Inspector was called upon to explain his disregard of the third vacancy rule in filling certain acting vacancies during the months of April, May, and June, 1932.

(d) The reply to the first part is in the affirmative. As regards the second and third parts, the facts are not exactly as stated by the Honourable Member. The Town Inspector was warned and transferred from Simla to his substantive post at Muzaffargarh as an Inspector of Post Offices.

(e) The Honourable Member is referred to the reply given to parts (b) and (d) above. Further investigation is being made.

#### ALLEGATIONS AGAINST THE HINDU POSTAL STAFF OF KASHMIR.

1069. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Is it a fact that Mr. Booth, while Post Master General, Punjab, recorded in the order book of the Divisional Office of Kashmir that in view of the preponderance of the Hindu community in the postal staff there, in future both the Sub-Divisional Inspectors, Head Clerk to the Superintendent and the Postmaster, Srinagar, should be Muslims and as long as he remained in charge of the Punjab these orders were carried out, but as soon as he was transferred from the Punjab, all the Muslim Inspectors, Head Clerk to the Superintendent and Postmaster, Srinagar, were transferred and replaced again by Hindus?

(b) Is it also a fact that many cases of embezzlement of Government customs revenue for lakhs of rupees, of forging parcel receipts and other documents by the postal staff in this short period of the Muslims Officers' stay at Kashmir were brought to light?

(c) Is it a fact too that while some of the cases after full investigation by the police and by the department were challaned in the Courts, the Muslim officers responsible for the investigation, i.e., the Assistant Superintendent of Police and the Inspector of Post Offices were transferred from Kashmir and were replaced by Hindus?

(d) Is it a fact that the Deputy Postmaster General and Assistant Postmaster General of the Punjab made some enquiries in these cases? If so, with what result?

(e) Will Government state what was the result of these cases, how many officials were implicated and what happened to the cases, which were not challaned in the Courts, what departmental action was taken against the officials responsible and, at the same time, what action was taken to break up the preponderance of one community?

(f) Is it also a fact that it was in the beginning of this case that it was decided by the Post Master General, Punjab, to transfer some Hindu officials of Kashmir to the Punjab and to transfer some Punjab Muslims to Kashmir? If so, how many clerks were exchanged in this connection?

**Mr. T. Ryan:** (a) No.

(b) Some cases of embezzlement of State customs revenue came to light in August, 1928, but Government have no information as to the amount involved.

(c) Government have no information about the Assistant Superintendent of Police who is a State official. As regards the Muslim Inspector of Post Offices, he was transferred at his own request to Ferozepore, his home, after completing the usual term of three years, in November, 1930, when the customs duty fraud case was practically completed. He was succeeded by a Hindu Inspector.

(d) An Assistant Postmaster-General examined the procedure in the Srinagar post office relating to parcels to be charged with State customs duty, and his examination led to its revision.

(e) Six officials were implicated, five of whom were prosecuted but only one was convicted, three were discharged and one acquitted. No separate departmental action was considered necessary. As regards the last part, and part (f) of the question, an exchange of personnel between the Kashmir post offices and offices in British India was considered, but the proposal was dropped.

PAUCITY OF MUSLIM POSTAL CLERKS IN THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES IN THE KASHMIR DIVISION.

1070. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Is it a fact that out of the five, there is not a single Muslim postal clerk in the office of the Superintendent of Post Offices in the Kashmir Division?

(b) If the reply to part (a) be in the affirmative, since how long and what action do Government propose to take in order to ensure the posting of Muslim staff there to give due share of employments to Muslims?

**Mr. T. Ryan:** (a) and (b). Government have no information. The matter is within the competence of the Postmaster-General, Punjab and North-West Frontier, to whom a copy of the question is being sent but I may remark that it is not the business of a clerk to look after any communal interests.

COMMUNAL COMPOSITION OF THE STAFF OF THE "D" DIVISION OF THE RAILWAY MAIL SERVICE.

1071. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Will Government be pleased to state the strength of the supervising, clerical and lower division clerks and menials of the 'D' Division of the Railway Mail Service at the close of 1927 and in July, 1932?

(b) What has been the communal composition of that staff in 1927 and 1932?

(c) How many vacancies occurred in each scale, and how many were given to Muslims?

(d) How many vacancies are lying vacant in each scale, and how many were given to Muslims?

(e) How many vacancies are lying vacant in each scale on account of non-availability of suitable candidates to be provided in the third vacancy rule?

(f) If the reply to part (c) be in the negative, what action do Government propose to take against the officials who disobeyed Government orders and the Director General's clear warning?

**Mr. T. Ryan:** (a), (b), (d) and (e). The information is not available and Government do not propose to call for it as its collection would involve an expenditure of time and labour not commensurate with the value of the result.

(c) 69 vacancies in the Upper Division clerical cadre and 32 in the inferior grades were filled by direct recruitment. Of these, 29 in the former and 13 in the latter were given to Muslims. Government do not consider that any useful purpose would be served by collecting the information regarding the vacancies which were filled by promotion or transfer of officials, as no weight is given to communal considerations in such cases.

(f) Does not arise.

#### STOPPAGE OF RECRUITMENT OF MEN OF THE PREPONDERENT COMMUNITY IN THE POSTAL DEPARTMENT.

1072. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Is it a fact that the one-third vacancy rule was introduced in the Postal Department in supersession of Mr. Booth's Muslim recruitment scheme and has not produced the desired effect during the last five years' trial? Are Government prepared to consider the desirability of reverting to Mr. Booth's scheme again or of totally stopping the recruitment of the preponderent community?

(b) If not, how do Government propose to make the recruitment scheme more effective than at present?

**Mr. T. Ryan:** (a) and (b). The rule in question was introduced in 1927; it superseded certain special orders issued by Mr. Booth in respect of particular cadres in which the Muslim community was scarcely represented, but did not supersede any existing general scheme for Muslim recruitment. No changes in the existing orders are contemplated at present.

**Dr. Ziauddin Ahmad:** Did the Honourable gentleman consult the Home Department before altering these orders?

**Mr. T. Ryan:** I had nothing to do with it, Sir. I might add, however, that the orders referred to by Mr. Booth were, I believe, special orders, issued in particular cases, which were in conflict with the general orders of the Government of India and for that reason they were cancelled without, as far as my recollection goes because I did not deal with the case myself, particular reference to the Home Department.

**Dr. Ziauddin Ahmad:** Is it not a fact that the orders issued by the Home Department are applicable to the Posts and Telegraphs Department as well?

**Mr. T. Ryan:** Yes, Sir. It was for this reason that orders which were inconsistent with these were cancelled.

**Dr. Ziauddin Ahmad:** Will the Honourable gentleman be pleased to lay on the table these two orders, namely, those which were issued by Mr. Booth and those which were issued by the Home Department?

**Mr. T. Ryan:** I think that the Home Department orders, or their substance, have been repeated on the floor of this House at every meeting at which questions have been asked. As regards the particular order issued by Mr. Booth, I shall have no objection to placing a copy of it on the table of the House.

**Dr. Ziauddin Ahmad:** Thank you.

COMMUNAL COMPOSITION OF THE STAFF UNDER THE INSPECTOR OF  
POST OFFICES, SIMLA SUB-DIVISION.

1073. \*Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha): (a) Is it a fact that the Inspector of Post Offices, Simla Sub-Division, has always been a Hindu?

(b) Will Government be pleased to give the total strength in each scale of the establishment under the Inspector of Post Offices, Simla Sub-Division, at the close of 1927 and in July, 1932?

(c) What is the communal composition of the staff in each scale?

(d) How many vacancies occurred after the issue of the third vacancy rule and how many were given to Muslims?

(e) In the event of non-availability of suitable candidates of the less represented community, have those posts been kept vacant in view of the orders of the Director-General? If so, how many vacancies are still lying vacant?

Mr. T. Ryan: (a) No.

(b) and (c). A statement giving the required information is laid on the table.

(d) Seven, of which six were utilised for the provision of retrenched officials of other divisions without regard to communal representation and the remaining one has been temporarily filled by a Hindu.

(e) There is no such order of the Director-General as that referred to by the Honourable Member.

*Statement referred to in the reply to parts (b) and (c) of starred question No. 1073.*

(b)	At the close of 1927.	In July, 1932.
Postmen . . . . .	51	50
Inferior servants . . . . .	17	17
Runners . . . . .	73	110

(c) The communal staff in each scale in July, 1932, was as follows:

	Hindus.	Muslims.	Christians.
Postmen . . . . .	46	3	1
Inferior servants . . . . .	13	3	1
Runners . . . . .	110	..	—

COMMUNAL COMPOSITION OF THE STAFF OF HEAD CLERKS OF THE POST MASTER  
GENERAL'S OFFICE, LAHORE.

1074. \*Kunwar Hajee Ismail Ali Khan (on behalf of Shaikh Fazal Haq Piracha): (a) Has the attention of Government been drawn to an article on page 8 of the *Postal Advocate* for the month of July, 1932, stating that all the 14 Head Clerks of the Post Master General's Office, Lahore, and the Office Superintendent are Hindus?

(b) Is it a fact that of late one Muslim was appointed as Head Clerk of the appointment branch?

(c) Is it a fact that he has also been transferred from that post for one reason or the other?

(d) If a Muslim was appointed on administrative grounds, what was the defect in this appointment and how has the work been carried out for the last two years?



**Mr. T. Ryan:** (a) Government have seen the article in question but the facts as regards Head Clerks are not as stated. The actual position has been explained in the reply to Shaikh Sadiq Hasan's starred question No. 883.

(b), (c) and (d). As to whether a Muslim has lately been appointed as Head Clerk, and as to whether he has since been transferred and if so, for what reason, Government have no information, as these matters are regulated by the Postmaster-General.

#### VACANCIES IN THE POSTS OF ASSISTANT POST MASTERS GENERAL, PUNJAB.

1075. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): Is it a fact that two Muslim Assistant Post Masters General, Punjab, have lately vacated their posts, and that only one has been replaced by a Muslim and the other by a Hindu? If so, why?

**Mr. T. Ryan:** Of five Assistant Postmasters-General in the Punjab and the North-West Frontier Circle office lately, two were Muslims. One of these died and was succeeded by a Muslim. The other, who had completed five years' tenure of the post, was transferred elsewhere on the abolition of one post of Assistant Postmaster-General and has not been replaced.

#### POSITION OF ATTACHED OFFICE CLERKS FOR APPOINTMENT IN THE LOWER DIVISION OF THE IMPERIAL SECRETARIAT.

1076. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): (a) Is it a fact that in 1920 when the late Staff Selection Board came into being, certain clerks who held permanent appointments in the Lower Division of the Attached Office—Meteorological Department—appeared at the Board's examination to qualify themselves for employment in the Lower Division of the Secretariat?

(b) If so, how many qualified themselves for the purpose and how many of them have been provided in the Lower Division of the Secretariat?

(c) Will Government please state whether those men who held permanent appointments in the Attached Office in 1920 at the time of the creation of the late Staff Selection Board are regarded as qualified for employment in the Secretariat Lower Division without passing the prescribed Second Division Secretariat test?

**The Honourable Mr. H. G. Haig:** (a) Certain clerks of the office of the Director General of Observatories appeared for the 'Lower Division Secretariat' in the examination held by the Staff Selection Board in 1920, but information as to whether they were holding permanent or temporary appointments at the time is not available.

(b) Information is being collected and will be laid on the table in due course.

(c) No, Sir. Those who are qualified for appointments in attached offices only and those who were not required to pass an examination for employment in an attached office have no claim to appointment in the Secretariat.

**CONDITIONAL RETENTION OF CLERKS IN THE IMPERIAL SECRETARIAT PASSING THE ATTACHED OFFICE TEST.**

1077. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): Will Government please state whether certain clerks who were declared qualified by the late Staff Selection Board for employment in the Attached Offices were allowed to continue to serve in the Secretariat proper on the express condition that they should not be allowed to cross the efficiency bar?

**The Honourable Mr. H. G. Haig:** I understand that there are no such cases.

**INTENTION OF GRANTING HIGHER PAY IN OFFICIATING ARRANGEMENTS.**

1078. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): Will Government please state whether higher pay in officiating arrangements is intended for increased responsibilities?

**The Honourable Sir Alan Parsons:** Partly. The Honourable Member will find a full account of the conditions attached to officiating pay in Fundamental rule 30.

**POSITION OF LOWER DIVISION ATTACHED OFFICE CLERKS FOR APPOINTMENT IN THE THIRD OR ROUTINE DIVISION OF THE IMPERIAL SECRETARIAT.**

1079. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): Will Government please state whether the men who were permanent in the Lower Division of an Attached Office at the time of the organisation of the late Staff Selection Board, and who appeared for the Lower Division Secretariat examination in 1920, but failed to qualify or who did not appear for such test, are considered qualified for the existing third or routine division of the Secretariat?

**The Honourable Mr. H. G. Haig:** This question is covered by my reply to part (c) of question No. 1076, which has just been answered.

**APPOINTMENT OF UNITED PROVINCES CANDIDATES IN THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.**

1080. **\*Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): Will Government please state whether recruitment to the ministerial services in the Government of India offices is made from one province, or from different provinces? If from all provinces, will Government please state whether any United Provinces men who applied and were present in Simla, or Delhi, have been appointed in the temporary vacancies which occurred in the office of the Director-General, Indian Medical Service, during the last 12 months? If not, why not?

**Mr. G. S. Bajpai:** Recruitment is not made on a provincial basis. The best qualified candidates readily available are appointed to temporary vacancies; permanent vacancies are filled by candidates nominated by the Public Service Commission. No candidate describing himself as a resident of the United Provinces applied for a temporary vacancy in the office of the Director-General, Indian Medical Service, during the last 12 months.

**PAUCITY OF MUSLIM CLERKS IN THE GENERAL SECTION OF THE OFFICE OF  
THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.**

1081. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Shaikh Fazal Haq Piracha): Is it a fact that there is no Muslim clerk in the General Section dealing with the establishment questions in the office of the Director-General, Indian Medical Service? If so, will Government please state whether they propose to transfer one Muslim to that section?

**Mr. G. S. Bajpai:** Establishment questions in the office of the Director General, are not decided by clerks. With regard to the second part of the question, the attention of the Honourable Member is invited to the reply given in the Legislative Assembly by the Honourable the Home Member on the 16th September, 1931, to part (b) of starred question No. 340.

**REALISATION OF TERMINAL TAX ON PASSENGER TICKETS TO PURI,  
BHUBANESWAR AND SAKHIGOPAL.**

1082. \***Mr. B. N. Misra:** (a) Will Government be pleased to state:

(1) from what year they have been realising terminal tax on passenger tickets to (i) Puri, (ii) Bhubaneswar, (iii) Sakhi-gopal; and

(2) the amount collected on the same account for each of the stations separately?

(b) Will Government be pleased to state if they have spent any amount for any purpose at any of those places mentioned above?

(c) If so, will Government be pleased to lay on the table a statement showing the amount collected under terminal tax for (i) Puri, (ii) Bhubaneswar, and (iii) Sakhi-gopal and the amount spent at the above places separately?

**Mr. P. R. Rau:** (a) (1) From 1921.

(2) The tax is at the rate of 1 anna for third class passengers, 1½ annas for intermediate class passengers, 2 annas for second class passengers and 6 annas for first class passengers and is levied on all passengers arriving at and departing from Puri, Malatipatpur, Sakhi-gopal, Delang, Khurda Road, and Bhubaneswar.

(b) The amounts collected are not retained by the Government of India, but handed over to the local authorities for expenditure on local purposes. The tax was imposed in order to provide funds for the improvement of the sanitary condition of Puri.

(c) Government consider that the collection of this information will entail the expenditure of labour incommensurate with its value and regret that they cannot comply with this request.

**SIKH REPRESENTATION IN THE OFFICE OF THE DIRECTOR OF CONTRACTS,  
ARMY HEADQUARTERS, SIMLA.**

1083. \***Sardar Sant Singh:** (a) Will Government please state the total permanent strength of the ministerial staff employed in the office of the Director of Contracts, Army Headquarters, Simla?

(b) How many of them are Sikhs?

(e) Are any vacancies likely to occur in that office in the near future? If so, how many?

(d) Do Government propose to appoint any Sikhs in these vacancies? If not, why not?

(e) What other steps do Government propose to take to bring the representation of Sikhs in this office to the proper level?

**Mr. G. R. F. Tottenham:** (a) 57.

(b) One.

(c) None, so far as can be foreseen at present.

(d) Does not arise.

(e) When vacancies occur, the usual proportion will be reserved for the rectification of communal inequalities.

#### GRIEVANCES OF THE STAFF OF THE SIMLA POST OFFICE.

1084. **\*Sardar Sant Singh:** (a) Will Government kindly state whether they are aware of any unrest amongst the staff of the Simla Post Office? If the reply be in the affirmative, who is responsible for this unrest?

(b) Is it a fact that a deputation of postmen waited upon the Postmaster General, Punjab, in order to give vent to their grievances against the Postmaster, Simla? Is it also a fact that certain public meetings were held and certain resolutions were passed which were published in papers against the conduct of the Postmaster, Simla?

(c) If so, have Government taken any action on these resolutions? If so, what? If not, why not?

(d) Are Government aware that all this unrest came into existence since the arrival of the appointment clerk in Simla?

(e) If so, do Government propose to make an inquiry into the causes that have led to this unrest?

(f) Do Government propose to transfer the appointment clerk from Simla?

**Mr. T. Ryan:** (a) I have been led to believe that there is some little unrest amongst the staff. So far as I can judge it is kept alive by the advocates of different communal interests.

(b) The reply to the first part of the question is in the negative and to the second part in the affirmative.

(c) No, because the allegations contained in the resolutions were unfounded.

(d) No.

(e) Does not arise.

(f) No.

**Dr. Ziauddin Ahmad:** Who is this Postmaster of Simla?

**Mr. T. Ryan:** The Postmaster of Simla is a Captain O'Dell, who is a very efficient Postmaster, I believe.

**Dr. Ziauddin Ahmad:** What were the specific charges against him that were mentioned in the resolutions?

**Mr. T. Ryan:** So far as I know there were none. I have just stated in my reply to the question that the answer is in the negative.

**Dr. Ziauddin Ahmad:** Does the Honourable Member mean to say that the resolutions practically said nothing?

**Mr. T. Ryan:** I did not say that.

**Dr. Ziauddin Ahmad:** What were the charges that were mentioned in the resolutions? They may or may not be correct.

**Mr. T. Ryan:** I am afraid I do not remember exactly what the charges were, but my definite information is that the deputation did not give vent to grievances against the Postmaster, Simla.

**Dr. Ziauddin Ahmad:** But the Honourable gentleman thinks that the charges were incorrect without knowing what those charges were?

**Mr. T. Ryan:** The question was asked—Whether a deputation of postmen waited upon the Postmaster General, Punjab, in order to give vent to their grievance against the Postmaster, Simla? The reply is in the negative.

**Dr. Ziauddin Ahmad:** And yet the resolutions were published in the newspapers!

#### PERSONNEL OF THE BOARD OF RETRENCHMENT CONSTITUTED BY ORDER OF THE POSTMASTER GENERAL, PUNJAB.

1085. **\*Sardar Sant Singh:** (a) Will Government be pleased to state whether any Board of Retrenchment was constituted by the orders of the Postmaster General, Punjab? Who were the members of that Board?

(b) Is it a fact that the persons of the Board were not the same as ordered by the Postmaster General?

**Mr. T. Ryan:** (a) Yes. The board consisted of Captain H. O'Dell, Postmaster, Simla; Rai Sahib Iqbal Nath, Deputy Postmaster, Simla; and Mr. Nawab Din, Town Inspector, Simla.

(b) Owing to the illness of the Rai Sahib Iqbal Nath his place had to be taken by another official, but this change was also approved by the Postmaster General, Punjab.

†1086 \*—1089.\*

#### RESERVATION OF THIRD AND INTERMEDIATE CLASS COMPARTMENTS FROM KALKA TO DELHI.

1090. **\*Mr. B. Das** (on behalf of Mr. Abdul Matin Chaudhury): (a) Is it a fact that reservation of third and intermediate class compartments used always to be allowed from Kalka downwards during the move of the Government of India to Delhi?

(b) Are Government aware that the Kalka station staff are refusing this year reservation of third and intermediate class compartments? If not, do they propose to inquire? If not, why not? If they are aware, will they be pleased to state the reasons why and under whose authorities the Kalka station staff are refusing such reservations?

\*These questions have already been answered, see pages 1491—93 of L. A. Debates, dated 23th September, 1932.

**Mr. P. R. Rau:** (a) and (b). I am informed by the Agent, North Western Railway, that the reservation of intermediate and third class compartments has always been, and is also now being, allowed between Kalka and Delhi, so long as a suitable number of unreserved compartments is retained for the general public.

**THROUGH RESERVATION OF A COMPARTMENT FROM SIMLA TO DELHI.**

1091. **\*Mr. B. Das** (on behalf of Mr. Abdul Matin Chaudhury): (a) Is it a fact that second and intermediate class reservations are being allowed from Simla to Kalka?

(b) Is it a fact that through tickets are being sold from Simla to Delhi?

(c) Is it a fact that the railway line running from Simla to Delhi is under the management of the North Western Railway? If so, will Government be pleased to state the reasons why through reservations of compartments of all classes including third and intermediate from Simla to Delhi cannot be arranged provided the passengers hold a sufficient number of through tickets from Simla to Delhi that would entitle them to reservation of a compartment on the broad gauge from Kalka to Delhi?

**Mr. P. R. Rau:** (a) and (b). Yes.

(c) The reply to the first part is in the affirmative. As regards the second part, the difficulty is that the number of seats in the various compartments of the broad gauge trains from Kalka differs considerably from that on the narrow gauge trains from Simla. It is, therefore, not always practicable to arrange to reserve through from Simla to Delhi a compartment with a carrying capacity equivalent to the number of tickets held from Simla. It is also difficult to say in advance what the carrying capacity of the compartments from Kalka will be on any train on a given day.

The Agent, North Western Railway, reports that information collected in this connection shows that requisitions for the reservation of intermediate and third class accommodation from Simla to Delhi have not been received, though Simla station has instructions to address Kalka for accommodation in the event of through booking being asked for.

I am also informed that the public apply to Simla station for reservations from Simla to Kalka and to Kalka station for reservations on the broad gauge.

**RESERVATION OF THIRD AND INTERMEDIATE CLASS COMPARTMENTS  
FROM KALKA TO DELHI AND KALKA TO SIMLA.**

1092. **\*Haji Chaudhury Muhammad Ismail Khan:** (a) Are Government aware that a large number of third and intermediate class passengers getting reserved compartments from Simla to Kalka do not get reservations from Kalka to Delhi?

(b) Are Government aware that the station staff of Simla endeavour their utmost to meet the demands of third and intermediate class passengers for reservations during each move, whereas the separate applications to the Kalka staff for reservation from Kalka to Delhi or Kalka to Simla are in a majority of cases not complied with by the staff of Kalka during each move? If not, do they propose to inquire into the matter? If not, why not?

**Mr. P. R. Rau:** (a) I have dealt with this complaint in the reply I gave just now to the previous question.

(b) Government are not aware that the station staff at Kalka do not comply with requisitions for reserved accommodation to the extent that such accommodation is available and is paid for but information on this point has been called for from the Agent of the North Western Railway.

**MISHANDLING OF INTERMEDIATE AND THIRD CLASS PASSENGERS BY THE KALKA STATION STAFF DURING THE MOVE OF THE GOVERNMENT OF INDIA.**

1093. **\*Haji Chaudhury Muhammad Ismail Khan:** Are Government aware that during each move of Government from Delhi to Simla owing to the mishandling of third and intermediate class passengers by the Kalka staff, most of the passengers travel by road motors and thereby the railway earning is reduced? If not, do they propose to inquire into the matter? If not, why not?

**Mr. P. R. Rau:** The reply to the first part of the question is in the negative. I propose bringing the Honourable Member's question to the notice of the Agent, North Western Railway, for such action as he considers necessary.

**Dr. Ziauddin Ahmad:** Will the Honourable Member admit that a large volume of traffic is diverted from railway service to road motor service?

**Mr. P. R. Rau:** That is no doubt so. It is a question of fact. But it is not due to the mishandling of third and intermediate class passengers by the railway staff.

**CLASSIFICATION IN JAIL OF THE DICTATORS OF THE *JAMIAT ULEMA-I-HIND***

1094. **\*Dr. Ziauddin Ahmad** (on behalf of Mr. M. Maswood Ahmad): (a) Will Government kindly state how many dictators of the *Jamiat Ulema-i-Hind* have been arrested in Delhi and imprisoned in 1931 and in 1932 up to 31st August?

(b) How many of them are still in jail?

(c) How many of them are in class A and how many are in class B?

(d) Is it a fact that some of them were classed A on a previous occasion, but this time they have been classed B or C? If the reply be in the affirmative, will Government state their names and the reasons for not treating them as class A prisoners?

**The Honourable Mr. H. G. Haig:** (a) None in 1931; three were sentenced to imprisonment in 1932 up to the 31st August,

(b) Three.

(c) One in class A and two in class B.

(d) The reply to the first part is in the negative; the second part does not therefore arise.

**GRIEVANCES OF MUSLIMS AGAINST THE INCOME-TAX DEPARTMENT, PUNJAB, NORTH-WEST FRONTIER AND DELHI.**

1095. **\*Maulvi Muhammad Shafee Daoodi** (on behalf of Maulvi Sayyid Murtuza Saheb Bahadur): (a) Is it a fact that a deputation of leading Muslims headed by Nawab Colonel Sir Umar Hayat Khan Tiwana, waited on a member of the Central Board of Revenue in 1926, to express the long-standing grievances of the Muslim community in connection with the administration of the Income-tax Department of the Punjab, North-West Frontier and Delhi Provinces?

(b) Is it a fact that the deputation was assured that their grievances would be removed as early as possible?

(c) Are Government prepared to consider the advisability of appointing a Muslim to the vacancy likely to be caused by the retirement of the present incumbent of the post of Assistant Income-tax Officer?

**The Honourable Sir Alan Parsons:** (a) Yes.

(b) The deputation was assured that the Board was fully alive to the importance of seeing that the orders of Government on the subject of communal representation in the services should be observed.

(c) The Honourable Member obviously means the Assistant Commissioner of Income-tax and not the Assistant Income-tax Officer. I would invite the Honourable Member's attention to the reply which I gave to question No. 702 asked by Khan Bahadur Makhdum Syed Rajan Bakhsh Shah.

**NON-RECOGNITION BY THE GOVERNMENT OF CEYLON OF PERSONS HOLDING INDIAN MEDICAL DEGREES.**

1096. **\*Mr. K. P. Thampan:** (a) Will Government be pleased to state if it is a fact:

(i) that the Government of Ceylon have ceased to recognise Indian medical qualifications obtained after February, 1930, and persons with such qualifications are not permitted to practise in Ceylon; and

(ii) that doctors with degrees obtained in Hong Kong, Singapore, and other places in the East are allowed to practise in Ceylon?

(b) Have Government taken any steps to remove this anomaly? If not, why not?

**Mr. G. S. Bajpai:** (a) (i). Yes.

(ii) Yes.

(b) Government have introduced legislation for the establishment of an Indian Medical Council and therein machinery exists which may improve India's position in this respect,

**Mr. K. P. Thampan:** May I know why the Ceylon Government have adopted this procedure?

**Mr. G. S. Bajpai:** It is not the Ceylon Government that have adopted this procedure. The position in Ceylon follows from the decision of the General Medical Council of Great Britain not to recognise Indian medical qualifications.



**Mr. K. P. Thampan:** May I know whether the standard of medical examination in Hong Kong, Singapore and other places in the East is superior to that of the medical examinations in this country, for instance, in Madras or Calcutta?

**Mr. G. S. Bajpai:** I am quite prepared to accept the suggestion of my Honourable friend opposite that Indian qualifications are superior to those acquired in Hong Kong and the Straits Settlements. But the point is that registration in Ceylon is regulated by the provisions of the General Medical Council Act of Great Britain and not by our opinion as to the qualifications of candidates from India.

**Mr. B. Das:** Apart from the decision of the General Medical Council, did the Honourable Member inform the Colonial Government of Ceylon that India will retaliate if Ceylon did not employ Indians in their medical service?

**Mr. G. S. Bajpai:** I have attempted to explain that the Government of Ceylon have no hand in this matter at all. The position in Ceylon has automatically followed from the exclusion of Indian Medical qualifications from the British Medical Register.

**Mr. S. G. Jog:** Did the Government of Ceylon consult the Government of India before they took action in this direction?

**Mr. G. S. Bajpai:** The Government of Ceylon have had no initiative in the matter at all. The initiative was taken by the General Medical Council which, as the House is aware, decided two years ago to withdraw recognition from Indian Medical qualifications.

**Mr. Lalchand Navalrai:** Has the Government of India ever made any attempt to ask the British Medical Council to make an exception in this case and amend the rule and allow Indians also to be employed in Ceylon Medical Service?

**Mr. G. S. Bajpai:** Even the British Medical Council, if requested, could not make an amendment of the rule, because the provision is a provision of an Act and not any rule made by the British Medical Council.

**Mr. Lalchand Navalrai:** The Act by whom?

**Mr. G. S. Bajpai:** The Act by the British Parliament.

**Mr. Lalchand Navalrai:** Is it difficult to make an attempt to ask the British Parliament to amend that rule?

**Mr. G. S. Bajpai:** It seems to me that when this Legislature has before it a Bill which is intended to regularise the position not merely as regards Ceylon but as regards the whole of the British Empire, it is unnecessary to ask the British Parliament to legislate only in respect of Ceylon.

**Mr. Lalchand Navalrai:** Have the Government of India made any provision with regard to that in the proposed Bill?

**Mr. G. S. Bajpai:** The Bill was introduced, I understand, last March in this House and my Honourable friend has had as much opportunity of studying its provisions as I have. I think a provision does exist.

**Mr. Lalchand Navalrai:** It is not a question of whether I read the Bill or not, I may have missed the provision, but in view of the fact that the Honourable Member has read the Bill, will he tell the House definitely whether such a provision exists or not?

**Mr. G. S. Bajpai:** I think such a provision has been made.

**Mr. S. G. Jog:** Did the Government of India convey to the Ceylon Government our feeling in the matter and ask them to suspend the operation of that provision of the British Medical Council until the Medical Council Bill is passed in this Legislature?

**Mr. G. S. Bajpai:** Apparently nothing, that I can say, will remove the misconception from my Honourable friends' minds. I have already said that it is not in the power of Ceylon Government to do anything in the matter. Action has been taken in consequence of the decision of the General Medical Council of Great Britain to withdraw recognition from Indian Medical qualifications. The only thing that can rectify the position is the withdrawal of that non-recognition.

**Mr. B. Das:** May I enquire if any Ceylon medical graduate has been employed in India after 1930 and, if so, will the Honourable Member take steps to dismiss him at once?

**Mr. G. S. Bajpai:** I have not made enquiries as to whether any Ceylon medical graduate has been employed in any part of India. As the Honourable Member is well aware, medical administration is a transferred subject. But I am prepared to make an enquiry into the matter.

**Dr. Ziauddin Ahmad:** May I ask whether the Medical Council Bill will come up for discussion in the Assembly this Session?

**Mr. G. S. Bajpai:** The Bill will not be before the House this Session.

**Mr. K. P. Thampan:** May I ask, whether the Government of India could not make a representation to the General Medical Council that, in view of the fact that necessary legislation is going to be introduced in this Legislature, they should keep the rule in abeyance until the Bill is passed into law?

**Mr. G. S. Bajpai:** It is a very long story. My Honourable friend is well aware that everything which the Government of India could say to the General Medical Council has already been said as regards the recognition of Indian degrees.

**Sardar Sant Singh:** Have the Government of India stopped further recruitment of medical men with English qualifications? (Hear, hear.)

**Mr. G. S. Bajpai:** It is a question which ought to be addressed to my Honourable friend, the Army Secretary.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Next question, please.

## STANDARD OF MEDICAL EDUCATION IN INDIA.

1097. **\*Dr. Ziauddin Ahmad:** (a) Is it not a fact that the Government of India are responsible for the proper maintenance of the standard of medical education in India?

(b) What are the methods which Government use for examining the standard of medical education?

(c) Do the hospital instructions form part of medical education?

**Mr. G. S. Bajpai:** (a) The regulation of medical qualifications and standards is a reserved provincial subject, subject to legislation by the Indian Legislature. The Government of India, however, exercise powers of superintendence, direction and control, under section 33 of the Government of India Act, over Local Governments' administration of the subject.

(b) The Government of India have at present no methods for examining the standard of medical education, but machinery for the purpose is provided in the Bill for the establishment of an Indian Medical Council.

(c) Yes.

## STANDARD OF TAKING REST AT OUT-STATIONS FOR RAILWAY MAIL SERVICE OFFICIALS.

1098. **Mr. S. G. Jog** (on behalf of Sardar G. N. Mujumdar): (a) Will Government be pleased to state whether any standard has been laid down, in the case of the Railway Mail Service officials working in sections, with regard to the taking of rest at out-stations, after completion of their prescribed duty in running trains; and, if so, to what effect?

(b) If the reply to part (a) above be in the negative, will Government be pleased to state whether they intend to prescribe one?

**Mr. T. Ryan:** (a) There is no such standard.

(b) No.

## DATA FOR REGULATING STAFF REQUIREMENTS OF THE ACCOUNTS BRANCHES OF THE HEAD RECORD OFFICES OF THE RAILWAY MAIL SERVICE.

1099. **\*Mr. S. G. Jog** (on behalf of Sardar G. N. Mujumdar): (a) Will Government be pleased to state whether, as is the case of Post Offices, any data have been fixed to regulate the staff-requirements to work in the Accounts Branch of the Head Record Offices of the Railway Mail Service, and, if so, to what effect?

(b) If the reply to part (a) above be in the negative, will Government be pleased to state whether they intend to prescribe one?

**Mr. T. Ryan:** (a) The reply is in the negative.

(b) The accounts work in the offices in question is comparatively small and Government do not consider that it is necessary to lay down a formula for determining the strength of the staff required to cope with it.

## APPOINTMENTS OF OFFICER SUPERVISORS AT THE ARMY HEADQUARTERS.

1100. **\*Mr. S. C. Mitra:** (a) Is it a fact that the appointments of Officer Supervisors at the Army Headquarters are, in practice, reserved only for Europeans?

(b) What is the total number of these appointments and how many of these are now permanently held by Europeans and how many by Indians?

(c) Will Government state the reason for the extremely small proportion of Indians in these appointments as compared to Europeans?

(d) On what principle are selections made to these appointments?

(e) What are the educational and other academical qualifications of the Europeans now holding these posts, and are these qualifications generally superior or inferior to those of the Indian Superintendents and Assistants at Army Headquarters?

(f) Will Government state the number, since 1924, of European Superintendents who were selected for Officer Supervisor's Appointments in the ordinary course and were subsequently found unfit for the appointments and had to vacate those appointments either by reversion or retirement, etc.?

**Mr. G. R. F. Tottenham:** (a) No, Sir.

(b) There are 20 of these appointments. At present 19 are held permanently by Europeans and one by an Indian.

(c) Because the practice of employing Indians in the higher grades in Army Headquarters is itself of comparatively recent origin. There are thus not many Indians who are yet senior enough to be considered for appointment as Officer Supervisors.

(d) The principle of choosing the best man available with due regard to seniority and merit.

(e) British soldiers or ex-soldiers holding the appointments possess the Army 1st Class Certificate. Some Indian Assistants and Superintendents possess higher academic qualifications, but a man's intelligence, and capacity for administrative work, cannot be judged solely by the examinations which he has passed.

(f) One.

**Mr. S. G. Jog:** May I know what are the other tests applied for testing his capacity in addition to his education?

**Mr. G. R. F. Tottenham:** The selection is made by the Principal Staff Officer concerned who has practical knowledge of the ability of the man in the inferior post which he has been occupying hitherto.

#### NUMBER OF PETITIONS RECEIVED BY THE ARMY DEPARTMENT SECRETARIAT AGAINST DISMISSAL, DISCHARGE, ETC.

1101. **\*Mr. S. C. Mitra:** (a) Will Government state the number of petitions received and dealt with by the Army Department Secretariat in 1930, 1931 and by the end of August, 1932, against dismissal, discharge, removal from service and supersession in promotion or selection to higher appointment?

(b) Will Government state how many of these petitions were:

(i) rejected;

(ii) accepted in full;

(iii) accepted in part; and

(iv) how many of the successful applicants in (ii) and (iii) were Europeans, and how many of them were Indians?

(c) Is it a fact that Government are averse to accepting any appeal in such cases as a matter of principle and discipline, however genuine the grievance may be?

(d) If the reply to part (c) be in the negative, will Government state the reasons why the number of appeals which are accepted is so small?

**Mr. G. B. F. Tottenham:** (a) and (b). The information required is not readily obtainable and could not be compiled without an undue expenditure of time and labour.

(c) No, Sir. Each appeal is dealt with on its merits.

(d) Because the original orders are generally passed with great care and do not require modification.

APPOINTMENT OF ONE MR. RADHA KISHAN, AS ASSISTANT CHIEF CLERK OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY CARRIAGE AND WAGON SUPERINTENDENT'S OFFICE, AJMER.

1102. **\*Maulvi Muhammad Shafee Daoodi:** Will Government state whether it is a fact that Mr. Radha Kishan, the present Assistant Chief Clerk of the Bombay, Baroda and Central India Railway, Carriage and Wagon Superintendent's office, Ajmer, was working in 1900 as Assistant Carriage Examiner at Rutlam in the employment of the same department and that he was summarily dismissed from service in that year? If so, what was the cause of his dismissal and why was he re-employed in violation of the rules prohibiting the re-employment of a dismissed employee?

**Mr. P. B. Rau:** Government have no information.

**Maulvi Muhammad Shafee Daoodi:** Could they not make an inquiry and give us the facts?

**Mr. P. B. Rau:** The matter is one which the Agent is competent to decide, and since it is a Company-managed Railway, even an appeal does not lie to the Railway Board.

**Maulvi Muhammad Shafee Daoodi:** If a specific instance is alleged on the floor of this House, would not Government take the trouble of inquiring into it?

**Mr. P. B. Rau:** No, Sir; because, as I have explained, this question relates to a Company-managed Railway, the employees of which are not under the control of the Railway Board.

**Dr. Ziauddin Ahmad:** Is it not a fact that the Court of Inquiry instituted by the Government of India considered cases of the Company-managed Railways as well?

**Mr. P. B. Rau:** They considered such cases as their inquiry was into a dispute between employers and employees.

**Maulvi Muhammad Shafee Daoodi:** If a breach of rule of this kind is brought to the notice of the railway authorities, is it not reasonable to expect that they would ask the Agent of the Company-managed Railway to look into it?

**Mr. P. R. Rau:** The rule must be one that has been laid down by the Company itself and it is for the Company or the Agent as its representative to decide whether there has been a breach or not.

**Maulvi Muhammad Shafee Daoodi:** Do Government consider that the ground given in this question is really a serious breach of the rules?

**Mr. P. R. Rau:** No, Sir; this matter does not seem to me to be of any great importance.

**Dr. Ziauddin Ahmad:** Is it not a fact that the South Indian Railway is a Company-managed Railway, and, if so, why Government interfere in its affairs?

**Mr. P. R. Rau:** May I know what particular interference the Honourable Member is referring to?

**Dr. Ziauddin Ahmad:** The instance which the Chief Commissioner has one to examine.

**Mr. P. R. Rau:** The Chief Commissioner has not gone to examine anything on the South Indian Railway.

DEVELOPMENT OF LEGITIMATE TRADE UNION PRINCIPLES AND PRACTICES AMONG THE EMPLOYEES OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY CARRIAGE AND WAGON SHOPS, AJMER.

1103. **\*Maulvi Muhammad Shafee Daoodi:** (a) Will Government state whether they are aware that the European officers of the Bombay, Baroda and Central India Railway Carriage and Wagon Shops, Ajmer, victimise such subordinate employees of the said shops as are active workers of the Railway Employees' Union?

(b) Will Government inquire and state whether a clerk of the time office of the said shop, who is an enthusiastic office-bearer of the local branch of the Railway Employees' Union, was given repeated warnings that his services would be dispensed with if he did not improve, the mistake committed by the said clerk being an error of one pie in calculation in October, 1930, whereas two muster clerks of the time office of the said shop, who made a mistake of Rs. 100 in pay account of the chargeman of the Department No. 26 of the said shop on the 21st August, 1931, were not given any warning at all?

(c) If the facts stated in parts (a) and (b) are correct, what steps do Government propose to take to safeguard the development of legitimate trade union principles and practices among the employees of workshops of the said Railway?

**Mr. P. R. Rau:** (a) The Agent of the railway reports that this is not correct.

(b) I have been informed by the Agent that only one clerk in the Time Office has had warnings consequent on continued bad work prior to the formation and recognition of the local Union.

(c) Does not arise.

**Mr. S. G. Jog:** Is the Honourable Member aware that there is a general impression among these Union people that its active workers are generally victimised or attempts are made to find fault with them and punish them seriously? Is there not such a general impression among the Indian workers?

**Mr. P. R. Rau:** I am not aware of that, but I should like to know whether there are any facts in the possession of the Honourable Member to support that general impression.

**Maulvi Muhammad Shafee Daoodi:** Is the discrimination mentioned in this question a desirable one?

**Mr. P. R. Rau:** That is a matter of opinion.

#### LOSS INCURRED IN THE WORKING OF THE INDIAN STORES DEPARTMENT.

1104. **\*Maulvi Muhammad Shafee Daoodi:** (a) Will Government please state whether the rent of the office building in New Delhi has been taken into account in determining the loss incurred in the working of the Indian Stores Department?

(b) What volume of business would be necessary to make the Indian Stores Department pay?

**The Honourable Sir Frank Noyce:** (a) The Indian Stores Department is a non-commercial department and no rent is charged to such departments for Government buildings used as offices.

(b) The Stores Department is a service department and as it does not charge other non-commercial departments of Government of India for its services, an increase of orders from these departments would not increase its income and might enhance its expenditure. The amount of business which would have to be received from other sources in order to make the income from the commission charged equivalent to the costs incurred would depend on the rate at which the commission was fixed.

**Mr. B. Das:** Is it not a fact that if the recommendations of the Indian Stores Retrenchment Committee were given effect to, the volume of business that will pass to the Indian Stores Department will increase enormously and there will be a great saving to the Government of India?

**The Honourable Sir Frank Noyce:** That is so; those recommendations are under our careful examination.

#### PROFITS SHEWN BY THE METALLURGICAL INSPECTOR AND THE CALCUTTA CIRCLE.

1105. **\*Maulvi Muhammad Shafee Daoodi:** Is it not a fact that the Metallurgical Inspector and the Calcutta Circle have invariably shewn a profit? What has been done with these profits?

**The Honourable Sir Frank Noyce:** The answer to the first part of the question is in the negative. As regards the second part, profits and losses are shown only in the pro-forma profit and loss account. The actual receipts of these organisations are credited to Government.

**JUNIOR OFFICER FOR THE ADMINISTRATIVE HEAD OF THE INDIAN STORES DEPARTMENT.**

1106. **\*Maulvi Muhammad Shafee Daoodi:** (a) Is it a fact that the Retrenchment Committee held that the administrative head of the Indian Stores Department needs one junior officer only on Rs. 500—700 with a duty allowance of Rs. 200 of recognised experience?

(b) Is it a fact that Mr. T. Ryan, when acting as Chief Controller of Stores, held that the administrative officer, if head of a department, would only need an officer of about the status of an Assistant Secretary on the establishment side?

**The Honourable Sir Frank Noyce:** (a) No.

(b) Government have no information.

**CHARACTER ROLLS FOR THE NON-GAZETTED CLERICAL STAFF OF THE INDIAN STORES DEPARTMENT.**

1107. **\*Maulvi Muhammad Shafee Daoodi:** (a) Is it a fact that character rolls are maintained for the non-gazetted clerical staff of the Indian Stores Department?

(b) Is it a fact that these rolls are not shewn to the persons annually as is the practice in the Department of Industries and Labour? If so, why is there a different practice in a subordinate office?

(c) Are Government aware that officers make insinuations in the character rolls of the clerks in the Indian Stores Department and that the person concerned has no access to it in order to clear up matters? Are Government prepared to issue instructions that the same procedure is followed in the Indian Stores Department as is done in the Industries and Labour Department?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b) Yes. The practice in the Department of Industries and Labour was altered some years ago to bring it into line with the practice in other departments of the Secretariat; so far as the Stores Department is concerned, the practice is regulated by the orders of the Chief Controller, with whose discretion Government do not propose to interfere.

(c) Officers are required to make comments on the work of those serving under them, but if any adverse remarks are made relating to defects which can be remedied, these remarks are communicated to the persons concerned. The answer to the last part of the question is in the negative.

**FURTHER RETRENCHMENT IN THE INDIAN STORES DEPARTMENT.**

1108. **\*Maulvi Muhammad Shafee Daoodi:** Are Government contemplating some further retrenchment in the Indian Stores Department? If so, are all men, who have rendered thirty years service, to be compulsorily retired?

**The Honourable Sir Frank Noyce:** Government have no proposals for further retrenchment in the Indian Stores Department under examination other than those put forward by the Stores, Printing and Stationery Sub-Committee of the Retrenchment Advisory Committee. These do not include a proposal of the kind suggested by the Honourable Member.



## STATEMENTS LAID ON THE TABLE.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I lay on the table the information promised in reply to starred questions Nos. 504 and 505 asked by Mr. B. Das on the 20th September, 1932.

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### SEARCH BY POLICE OF A *HINDUSTAN TIMES* REPORTER.

\*504. (a) Mr. Chaman Lal was searched under the orders of the Senior Superintendent of Police, Delhi, as there was reason to believe that he was in possession of literature intended to be published in the *Congress Bulletin*, which is an unauthorised news sheet, and also that he was himself concerned in the publication of that bulletin.

(b) The search was carried out in connection with section 18 of the Press Act.

(c) The Honourable Member's assumption that Mr. Chaman Lal was searched in his capacity as a reporter of the *Hindustan Times* is not correct. Mr. Chaman Lal was searched for the reasons given in (a) above.

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### SEARCH BY POLICE OF A *HINDUSTAN TIMES* REPORTER.

\*505. (a) The police were aware of this.

(b) No.

(c) The suggestion of the Honourable Member that the reporter's interview was confiscated is not correct. The police did not take any documents from Mr. Chuman Lal.

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**Mr. H. A. F. Metcalfe** (Foreign Secretary): Sir, I lay on the table the information promised in reply to unstarred question No. 56, asked by Khan Bahadur Haji Wajihuddin on the 19th September, 1932.

### PRIVATE HOUSES BUILT IN MUSLIM GRAVE YARDS IN AJMER.

56. (a) Yes, so far as part 1 of the question is concerned. No gross negligence in the matter can be attributed to the Municipal Board as some constructions were made without permission.

(b) The area demarcated as grave-yards in 1925 was found, on enquiry undertaken on the objections of some persons, to include some plots which were not grave-yards, hence a Special Sub-Committee has been appointed consisting of Muhammadan members to go into the question.

(c) Nine resolutions only were passed.

(d) Yes. It is a fact that none of the resolutions was actually complied with. They could not be complied with as they were resolutions of the Public Works Sub-Committee and under the rules required confirmation by the General Committee, while these cases came up before the General Committee after the Special Sub-Committee referred to in (b) above was formed.

(e) No.

(f) Yes.

It has been reopened for the following reasons :—

- (1) An enquiry showed that some parcels of land have been wrongly included in the demarcated area of the graveyard.
- (2) Some vendors invited the attention of the Committee to the need to see whether the constructions applied for satisfied sanitary requirements. On this complaint, the advice of the Civil Surgeon, Ajmer-Merwara, was sought and he, after consulting the Public Health Commissioner with the Government of India, expressed the opinion that dwelling houses might be built on dis-used grave-yards after 20—25 years.
- (3) In a recent civil suit in which the Ajmer Municipal Committee ordered the removal of Kilas set upon land near a grave-yard the Court decided that the Committee was not justified in ordering the removal of the Kilas on religious, apart from sanitary grounds.

The Commissioner, Ajmer-Merwara, in his letter No. 7082/XI-75 of 1932, dated the 10th May, 1932, suggested to the Municipal Committee that they should :

- (i) frame revised bye-laws under Section 245 (e) (v) of the Ajmer-Merwara Municipalities Regulation VI of 1925;
- (ii) institute a suit against Kadir Bux to restrain him from selling portions of the grave-yard; and
- (iii) institute proceedings under Section 133-Criminal Procedure Code if the unauthorised buildings could be regarded as an obstruction in a public place. It was, however, also suggested that before taking such action the Committee would be well advised to obtain competent legal opinion on the point whether this Section was applicable to a case of that nature.

(g) A copy of Col. Howson's letter referred to is laid on the table.

(h) No heart burning among the Muslim public exists. Some of the grave-yards in Ajmer are public and some private, belonging either to individual families or to particular communities. Public grave-yards are provided by the Committee, and on them no buildings have been allowed. The owners of some of the private grave-yards have sold parts of the land and the purchasers claim the right to build provided there is no objection from the sanitary point of view.

In all cases both the vendors and the vendees are Mohammadans.

Some of the persons who purchased land in the beginning and built on it have subsequently made unsuccessful attempts to acquire more land. The heart burning is confined to this section.

(i) In view of what has been stated in the reply above, Government do not propose to take any action in the matter.

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*Copy of letter No. W-116, dated the 8th April 1932, from Lt.-Col. G. Howson, C.I.E., M.C., Chairman, Municipal Committee, Ajmer, to the Commissioner, Ajmer-Merwara, Ajmer.*

I have the honour to draw your attention to the question of the demarcated grave-yard area known as the Chand Bhowari grave-yard.

As you are aware this matter has already been a subject of question in the Legislative Assembly, *vide* your No. 3956/XXVIII-112-II, dated the 11th March 1932

The area in question was definitely approved of as a demarcated grave-yard and it was registered as a grave-yard by the Chief Commissioner's letter No. 8365 of 31st March 1898.

Owing to various reasons this decision which appears to me to be final was reopened and on 18th October 1930 an application was submitted for the redelimitation of this area.

The matter has now reached the stage of being a public scandal and in my opinion it has resulted in the complete defiance of Municipal law.

I am, therefore, reporting the matter to you. The faquir who is normally in charge of this grave-yard by name Kadir Bux son of Ilahi Bux has sold various portions of the land at nominal rates for building purposes.

In no single instance has the permission of the Municipal Committee been obtained for any buildings on this site. Seven applications have been made and have been refused.

As reported in my reply to your letter of 11th March 1932, a very considerable number of buildings have been erected without permission. I have been into the question and have not been able to find a solution. If the Executive Officer takes action under Regulation 49 he may find himself in difficulties.

The matter is one that calls for early and drastic action.

With effect from April 1, all lime-kilns in this area ceased to be licensed. This may have some effect on the restriction of building.

The assistance of the police will undoubtedly be required to stop these lime-kilns from being used after April 1st.

I should be most grateful for your advice and assistance in this matter.

It appears to me that if the area is definitely a demarcated grave-yard no building on the land and no sale of the land for building purposes can be allowed.

If on the other hand the limits laid down for the grave-yard are inaccurate the Municipal Committee should be able to carry out certain town planning schemes in the area to ensure sanitary facilities for the future.

As things are at present no injunction of any Court has been given and Municipal law has ceased to function in this area.

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**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table the information promised in reply to unstarred question No. 112 asked by Sirdar Sohan Singh on the 27th September, 1932.

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#### SEGREGATION OF PATIENTS SUFFERING FROM INFECTIOUS DISEASES IN CANTONMENTS.

112. (b) Kunwar Sardar Singh, grand nephew of Bijay Bahadur Singh, was suffering from small-pox and was segregated in the Cantonment segregation huts. He was not forcibly removed; in fact he expressed his willingness to live in the small-pox huts. Segregation arrangements could not be made in his own house as his grand uncle had gone away and there was no one to look after him. This was the first case of small-pox in the cantonment and it occurred in a house situated in the middle of the bazar.

(c) The segregation huts in the cantonment are maintained in a sanitary condition. They are necessarily lonely, being situated on a mound about 100 yards away from the nearest dwelling.

(d) After the boy had been isolated for 5 days his grand-uncle asked for, and was granted, permission to remove him to an isolated place about 2 miles outside the cantonment, on condition that the boy did not return to his own house in the cantonment until the scabs had fallen and he was certified free from infection.

(e) The policy of Government is to prevent the spread of infectious or contagious diseases. The segregation arrangements are left to the discretion of the Medical Officer or Health Officer, due consideration being given to the circumstances and environments of the person concerned.

(f) Because it was not possible. There was no responsible person living in the house and the boy, before his removal to the segregation huts, insisted on going out of doors and mixing with others. Moreover, the house was in the middle of the bazar.

(g) The result of the enquiry is given above. There was no forced segregation and no further action is required.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 598 asked by Mr. A. H. Ghuznavi on the 22nd September, 1932;
- (ii) the information promised in reply to part (a) of starred question No. 785 asked by Khan Bahadur Haji Wajihuddin on the 26th September, 1932;
- (iii) the information promised in reply to part (c) of starred question No. 550 asked by Mr. Md. Anwar-ul-Azim on the 21st September, 1932;
- (iv) the information promised in reply to unstarred question No. 90 asked by Mr. Gaya Prasad Singh on the 27th September, 1932;
- (v) the information promised in reply to part (a) (vi) of starred question No. 646 asked by Mr. K. P. Thampan on the 22nd September, 1932; and
- (vi) the information promised in reply to unstarred question No. 129 asked by Sir Zulfiqar Ali Khan on the 27th September, 1932.

**SUCCESSFUL TENDERERS FOR COAL PURCHASED FOR CERTAIN RAILWAYS, ETC.**  
\*598.

Name of firm with whom order placed.	Colliery and seam.	Quantity accepted. Tons.	Rate per ton.
<i>Army Department.</i>			
Turner Morrison & Co.	Lodna 14, 14A and 15	47,000	Rs. a. p. 4 12 0 f. o. r.
	Lodna Rubble coal $\frac{1}{2}$ " to $1\frac{1}{2}$ " mechanically screened 50 per cent. from Lodna and 50 per cent. from Sirpore Ninga.	18,000	colliery. 2 8 0 Do.
Benzal Iron Co.	Noonodih Jilpur 17 & 18	21,000	4 4 0 Do.
Shaw Wallace & Co.	Burhar	2,000	4 8 0 Do.
Andrew Yule & Co.	Desherghur	2,000	4 12 0 Do.
Anderson Wright & Co.	Dhori Smithy Coal $\frac{1}{2}$ " to $1\frac{1}{2}$ " Kargali seam	1,000	3 12 0 Do.
Jardine Skinner & Co.	Bararce hard foundry coke	724	9 0 0 f. o. r. coko works.
Singareni Collieries Co.	Singareni	870	5 8 0 f. o. r. colliery.
Bird & Co.	Desherghur rammed soft coke.	50	15 0 0 Do.
Mackinnon Mackenzie & Co.	Bhowra hard coke Rubble No. 1.	240	11 0 0 f. o. r. colliery.
<i>Royal Indian Marine.</i>			
N. R. Nazir & Sons	(i) Best Desherghur selected from the Parbelia Colliery, supported by a certificate from the Indian Coal Grading Board. (ii) "Special steam coal", a mixture, half of above and half Welsh.	About 6,500 tons.	(i) Rs. 15-8-0 (T. I. B.) or delivered into the R. I. M. Dockyard. (ii) Rs. 19-0-0 (T. I. B.) or delivered into the R. I. M. Dockyard.

COMMUNAL COMPOSITION OF THE INSPECTORS OF VARIOUS BRANCHES ON THE  
EAST INDIAN RAILWAY.

\*785. (a) The number of Inspectors in the various branches of the East Indian Railway is as follows :—

Operating Department . . . . .	379
Engineering Department . . . . .	486
Mechanical Department . . . . .	21
Accounts Department . . . . .	37
Colliery Department . . . . .	10
Commercial Department . . . . .	65
Electrical Department . . . . .	1
Watch & Ward Department . . . . .	10

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MEMORANDUM RE POSITION OF MINORITIES IN THE RAILWAY SERVICES IN  
INDIA.

\*550. (c) The Eastern Bengal Railway has adopted the practice of advertising vacancies in the local papers except in the case of inferior and labour staff who are generally illiterate.

The Assam Bengal Railway has not adopted the practice as yet. The Agent explains that since the issue of the Railway Board's memorandum there have been very few vacancies and these have either remained unfilled, or been filled by surplus men transferred from other departments or sections of the line, or by those who had previous permanent or temporary service, or by probationers under training.

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SURPLUS STORES LOCKED UP ON STATE RAILWAYS, ETC.

90. (a) and (b). Statements A and B attached contain the information required.

(c) Yes.

(d) Every endeavour is being made to reduce the balances of surplus stores. An officer on special duty was appointed in 1930 to secure co-ordination between principal railways in the utilisation of surplus stores. Lists are periodically circulated by and between railways showing items surplus on each railway and available for transfer to railways requiring such material. In the construction of new rolling stock for railways in India such surplus parts and fittings as are available on the railways are supplied to the wagon builders. The majority of the surplus stocks of stores on railways represent bridge materials, engineering plant and permanent way material, which have been released from construction projects and open line renewal Programmes and for which use is difficult to find due to curtailment of all "Works" necessitated by the present financial stringency. Efforts are being made to utilise surplus broad gauge permanent way material in metre gauge renewal programmes and the whole subject is constantly engaging the special attention of the Railway Board.

## (A)

Statement showing Balance of Surplus Stores at the close of 1929-30, 1930-31 and 1931-32.

(Figures in lakhs of rupees.)

Railways.	31st March 1930.	31st March 1931.	31st March 1932.	Remarks.
<i>State-managed.</i>				
Burma . . . . .	0.58	1.35	7.61	
E. B. . . . .	6.09	4.21	6.95	
E. I. . . . .	26.64	60.14	81.69	
G. I. P. . . . .	26.35	46.65	25.71	
N. W. . . . .	34.69	15.71	16.60	
Totals . . . . .	94.35	128.06	138.56	
<i>Company-managed.</i>				
A. B. . . . .	0.23	0.12	0.32	
B. & N. W. . . . .	0.61	4.86	9.40	
B. N. . . . .	9.96	6.77	5.61	
B., B. & C. I. . . . .	6.39	9.06	11.09	
M. & S. M. . . . .	0.37	0.31	0.63	
R. & K. . . . .	0.17	0.13	0.12	
S. I. . . . .	1.21	2.49	5.60	
Totals . . . . .	18.94	23.74	32.77	

## (B)

Statement showing amounts written off on State-managed Railways due to scrapping of Surplus materials during 1929-30, 1930-31 and 1931-32.

Railway.	Amount written off during			Remarks.
	1929-30.	1930-31.	1931-32.	
N. W. Ry. . . . .	7,00,000*	6,50,000	2,00,000*	*These figures represent amounts written off on account of surplus as well as obsolete stores. Materials are generally offered to other Railways before scrapping.
E. I. Ry. . . . .	†	†	6,78,307	†Information not available as separate records of surplus stores were not maintained in these years. All important items are circulated to other railways before scrapping.
E. B. Ry. . . . .	1,84,709	1,60,661	1,75,330	
G. I. P. . . . .	38,267	39,933	2,58,877	
Burma . . . . .	6,586	750	8,164	Owing to geographical position enquiries are made from other Railways only when considerable amounts are involved.

## MERCANTILE COUPON TICKETS ON RAILWAYS.

\*646. (a) (vi) Number of mileage coupon books issued on the South Indian Railway.

	1st Class.	2nd Class.
August 1931 . . . . .	7	21
September 1931 . . . . .	4	7
October 1931 . . . . .	1	6
Total . . . . .	12	34

COMMUNAL COMPOSITION OF SKILLED AND UNSKILLED LABOUR RETRENCHED FROM THE NORTH WESTERN RAILWAY ELECTRICAL BRANCH.

129.

*North Western Railway Electrical Branch.*

	Hindu.	Muslim.	Sikh.	Indian Christian.
(a)				
(i) Number of skilled labour retrenched since March 1931.	23	62	11	..
(ii) Number of unskilled labour retrenched since March 1931.	13	22	5	1
(b)				
(i) Number of skilled labour re-engaged from retrenched staff.	8	22	2	..
(ii) Number of unskilled labour re-engaged from retrenched staff.	6	13	2	..
(c)				
(i) Number of skilled labour retrenched with 3 or over 3 years service.	17	55	11	..
(ii) Number of unskilled labour retrenched with 3 or over 3 years service.	2	5	1	..
(iii) Number of skilled labour retained with less than one year's service.	9	1	1	..
(iv) Number of unskilled labour retained with less than one year's service.	13	10	9	1

RESOLUTION RE TRADE AGREEMENT SIGNED AT OTTAWA.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the Resolution on the Ottawa Agreement.

**Mr. R. K. Shanmukham Ohetty** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, in recent years no subject has evoked in this country so much criticism and controversy as the Ottawa Conference and the part played by the Indian Delegation in that Conference. I find, Sir, as a result of the perusal of the great volume of criticism levelled against the Indo-British Trade Agreement that there are, in the minds of a certain section of the public, at any rate, some

genuine misapprehensions and misconceptions with regard to the part played by the Indian Delegation at Ottawa. I propose to do something today to remove those misapprehensions and misconceptions. I propose, in the first instance, to give what I might call the historical background under which the Indian Delegation had to work at Ottawa. I shall then attempt to explain the aims and principles which the Indian Delegation kept in the forefront in dealing with the whole question that was raised at Ottawa. Thirdly, I shall try to give what I consider to be the economic value of the Indo-British Trade Agreement; and, lastly, I shall conclude by giving my answers to some at least of the major criticisms that have been levelled against the Agreement.

I spoke of the historical background under which we worked. Ever since the question of Imperial Preference was mooted as a result of the tariff reform controversy started by the late Joseph Chamberlain, the Government of India, from the year 1903 down to the year 1930, have always maintained that India cannot participate in any general scheme of Imperial Preference; and, in this declaration of policy, the Government of India had the whole-hearted support of the Indian public. The last time when this question was raised, was in the Imperial Conference of 1930, and, even in that Conference, Sir Geoffrey Corbett, who was the spokesman of the Government of India, declared in no uncertain terms that in view of the policy of discriminating protection to which the Government of India was committed, India could not subscribe to a general policy of Imperial Preference, but that the Government of India were prepared to consider the merits of particular cases as and when they arose. Now, Sir, the Indian Delegation at Ottawa has been accused of having committed India to a policy of Imperial Preference. But I maintain that we have not departed in the least from the announcement of the attitude of the Government of India as was made by Sir Geoffrey Corbett in the year 1930; in other words, we have not committed India to a policy of Imperial Preference. I might go further and say that the policy of Imperial Preference today is as dead as Queen Anne.

12 Noon. No country of the British Commonwealth is committed to a policy of Imperial Preference. What is it that is generally understood by a policy of Imperial Preference? As it has always been understood, Imperial Preference has meant one of two things: either the adoption of a policy of free trade amongst Empire countries or the framing of the tariffs of the Empire countries on a two-decker basis with one rate of tariffs for Empire goods and a higher rate of tariffs for foreign goods. That is what has always been meant and understood by Imperial Preference, and, in that sense, I maintain, no country of the British Commonwealth has committed itself to that principle, much less the Government of India or their Delegation. The question that was raised at Ottawa was whether, in view of the economic depression with which all of us were faced, in view of the advantage that the component parts of the British Commonwealth had, by virtue of membership, in one great community of nations, whether it was not possible on the basis of mutual and reciprocal tariff preferences to improve the trade of each of the component parts of the British Commonwealth. That was the question with which we were faced, and that was the problem we tried to solve and, in solving that problem, we have amply safeguarded the interests of India. What has been done at Ottawa, therefore, I maintain, is not the committing of any part of the Empire to the principle of Imperial Preference, but the inauguration of, what I may call, a regime of reciprocal



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preferential tariffs with a view to improving the trade of the Empire-countries and ultimately to improving the trade of the world.

That being the problem with which we were faced, what were the aims and principles that the Indian Delegation kept before itself in dealing with that problem? A great deal has been said about a remark contained in our report that it was no more a question of what India stood to gain but what India stood to lose. That remark of the Delegation has been misunderstood by the critics. That remark has been made not with a view to justifying the Agreement that we signed, but simply as a justification for the Government of India taking part in the Conference at Ottawa. (*Cries of "Oh."*) I do not justify the Agreement on the negative aspect of what we stood to lose. But I want the critics to understand that that dictum was laid down not with a view to justifying the Agreement, but with a view to justifying the participation of the Government of India at the Ottawa Conference. The aim which we kept in the forefront throughout the negotiations was the possibility of expanding India's export trade and, in cases where there was not the possibility of considerable expansion of trade, to do something to retain the valuable trade that we had in the United Kingdom. Retention of our trade in certain respects and expansion in other respects were the aim and object that we kept in our view during the whole course of our negotiations at Ottawa. Naturally in assessing the value of any preference that we might secure with a view either to retaining or expanding our trade, we had to keep before our minds certain essential principles. In cases like raw jute where we have a monopoly, preference is of no value; and let me tell my Honourable friends here that no preference has been secured on raw jute under the Agreement. I have heard it stated repeatedly on the floor of this House and outside that preference has been obtained: preference has been obtained on jute . . . . .

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Will the Honourable Member state who said that preference has been given to our jute on the floor of this House?

**Mr. R. K. Shanmukham Chetty:** It has been stated by the Honourable gentleman himself. (Laughter.)

**Mr. C. S. Ranga Iyer:** I have before me the speech as reported by the reporters, unedited by me, and in both the references I have made about jute, I said in one place articles of jute and in another place goods of jute; and if the Honourable gentleman has any doubt about it he may verify it. (Laughter from the Nationalist Benches.)

**Mr. R. K. Shanmukham Chetty:** I am very glad to have the assurance of my Honourable friend and I will take his assurance without reading his speech, that he at least was not under a misconception. It only goes to show that my Honourable friend, Mr. Ranga Iyer, is always careful in the statements that he makes and if I have misunderstood him I apologise . . . . .

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Who else made that statement on the floor of the House?

**Mr. R. K. Shanmukham Chetty:** I am not prepared to give way. Preference in the case of monopolies, therefore, are of no value. Secondly, we realised that where the Empire countries are our chief competitors in certain commodities, preference will enable us only to retain the volume of trade that we already possess. Thirdly, we realised that in commodities in which the competitors are both Empire and foreign countries, the preference will enable us to share the capturable trade with the Empire countries. Fourthly, we realised that where foreign countries are our chief competitors, preference will have the maximum value; and, lastly, we realised that in commodities in which there is a capturable market and in which there is a capacity for India to increase production, preference would be of very special value. These are the criteria which we had before us in assessing the value of preference; and when I come to assess what I consider to be the economic value of the Agreement, I shall try to prove how, judged by these dicta, the preferences that we have obtained are valuable preferences. Having these principles in view what we did was to persuade the British Government to the retention of preferences in the case of certain commodities on which we already enjoyed preference, to give us new preference in the case of certain other articles and to give us an increased preference in the case of a third class of articles; all these classes of articles are enumerated in the Schedules to the Agreement and also in the body of our Report which I most earnestly invite Honourable Members to read carefully. We got these preferences; and, as a business man, I knew well that I cannot get something in return for nothing. Naturally when we want to increase our export trade and ask for preference from the British Government, we must be prepared to give something in return; and the British Government wanted preferential treatment with regard to certain of their exports to India.

**Diwan Bahadur T. Rangachariar** (South Arcot *cum* Chingleput: Non-Muhammadan Rural): When did we want it?

**Mr. R. K. Shanmukham Chetty:** When did we want it? Facilities for export we have always wanted; I want it today; and if anybody says that we do not want facilities for the expansion of our export trade, well, I do not know how to answer him. I wanted at Ottawa opportunities to expand our export trade and I want opportunities today for the expansion of our export trade and I shall want always opportunities for the expansion of our export trade, whatever my Honourable friend may say.

In deciding upon the preferences that we might give, we were faced with rather serious problems. We had to keep certain very fundamental facts before our minds.

Firstly, we could not ignore the fact that the revenue from Customs was the most important source of revenue for the Government of India.

Secondly, we had to remember that we are committed to a policy of discriminating protection, that we have got ambitions of becoming one of the great industrial nations of the world, and we could not, therefore, agree to any preferential arrangement with regard to the industries which are protected in this country.

Thirdly, there are commodities which, it is to our national and industrial interest, to import free of duty or to purchase in the cheapest market, and in this category come agricultural implements and power machinery.

[Mr. R. K. Shanmukham Chetty.]

Having made up our mind that these were the vital considerations that we had to keep in view, we started negotiations with the British Government. I can say, Sir, with justifiable pride that in every one of these points we succeeded in keeping up to the very last the attitude that we took up in the beginning. (Applause from the European Benches.) With a view to safeguarding our revenue, we have incorporated provisions in the Agreement by which we guarantee to the British imports only a certain margin of preference, but no free entry, nor have we committed ourselves as to the exact manner in which that preference is to be guaranteed to the British goods. With regard to our protected industries, we did not yield one inch of ground to the British Delegation. On the other hand, I might say that though it took us some time and very considerable effort on our part to convince the British Delegation as to the justness of our cause, our pleading had such a tremendous success that in the end the British Government were forced to admit that not merely was our contention correct, but that India's protectionist policy was one that the other Dominions might well copy. (Applause from the European and Official Benches.) And if, today, you find in the British-Canadian Agreement provisions for the establishment of a Tariff Board, provisions to commit the Canadian Government to a policy of discriminating protection, it is because of the influence that the Indian Delegates had at Ottawa. I might tell the House that those principles of fiscal policy, which you, Sir, and your colleagues laid down in your memorable Report on the Fiscal Commission, have not only been maintained unimpaired by the Indian Delegates at Ottawa, but have been passed on for copy for the other Dominions of the Empire.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Question, question?

**Diwan Bahadur T. Rangachariar**: So you accept the principle?

**Mr. R. K. Shanmukham Chetty**: Subject to these reservations, we agreed to give a  $7\frac{1}{2}$  per cent preference on motor vehicles and a ten per cent preference on a miscellaneous class of articles imported into India. The total value of these articles, on which we have given preference and which are imported from the United Kingdom, comes to about 17½ million pounds.

I shall now come, Sir, to what I consider to be the economic value of the Agreement. If there are some friends like my friend, Mr. B. Das, who take the view that nothing should be done with regard to the improvement of the economic condition of India until free political institutions are established in this country, it is a point of view which I respect and to which I have no answer . . . .

**Mr. B. Das**: You misunderstood me. I said: "no agreement can be entered into".

**Mr. R. K. Shanmukham Chetty**: I am prepared to accept the modified statement. But if there are those who think that whatever might be our political status, we should not lose an opportunity of having a good bargain with any country in the world, then I would ask them to apply one and

only possible test in judging our Agreement. The test that they should apply is this—how far would the preferences that we have obtained on Indian exports enable us to retain the trade in the market in which preference is given and will enable us to expand trade in certain commodities in that market, and on the preferences that we have given whether any commodity has been included which would detrimentally retard the industrial progress of India. This is the test, Sir, which, I maintain, is the proper test to be applied, and I will invite subsequent speakers to apply this test to the Agreement and give their verdict. In certain cases, I would frankly say, there is not much scope for expansion of our trade. It would only enable us to retain the existing trade. The commodity that comes to the forefront in this category is tea. The preference of two pence per pound that we have obtained for Indian tea would enable us to retain the British market that we already command. It has been mentioned, Sir, by some critics that even if this preference is withdrawn, we are not going to be seriously hurt, and a Professor of Economics has said that in any case the capacity of Ceylon and Java to increase their production is very limited and we need not, therefore, be afraid. Honourable Members here do not probably realise the history of the tea duty in England. At one stage the preference was about  $\frac{2}{3}$  of a penny, and in 1929 even that preference was abolished, and it was only in April, 1932, that this preference of two pence per pound was granted to Indian tea. And what happened to Indian tea when this duty was abolished in 1929? I cannot do better than quote the opinion of the Imperial Economic Committee contained in their Report on Tea issued last year. They say:

"It is undoubtedly the case that from the time the preference in the United Kingdom was reduced in 1924 to two-thirds of a penny the imports of teas from Java in the United Kingdom definitely increased. Further, the year 1929, in which the duty was removed altogether, witnessed an exceptionally large increase in the net import of those teas—nearly 15 million lbs. an increase of practically 25 per cent. in one year."

Then they go on to say:

"As the tendency now is for the whole of the surplus export of Java and Sumatra tea to be thrown on the United Kingdom market, this expanding production in Sumatra threatens that market with a glut of low grade tea such as already experienced in 1929. Producers in the Empire—especially in India—therefore view the future with some alarm."

That was the considered verdict of an expert body like the Imperial Economic Committee in 1931 about the serious threat to the tea industry as a result of the withdrawal of even the little preference they enjoyed, and yet, in the face of this, a Professor would ask us to believe that we need not seriously be worried about the threatened loss even if this preference is withdrawn. What amused me most, Sir, is the remark of this Professor that in any case the capacity of Java and Ceylon to increase their production is very limited. I would only ask this Professor to be up-to-date and read at least the newspapers if not books on economics. If really the position regarding the productive capacity of Ceylon and Java is as enunciated by this gentleman, may I ask what was the reason for all the tea producing countries of the world recently to come to an Agreement to have a voluntary restriction on production to the extent of 15 per cent? In spite of the preference that Ceylon and India enjoy, the competition of Java tea is so great that even the Ceylonese and the Indian producers were compelled to join this Agreement for restricting production to the extent of 15 per cent.? On an examination of the

[Mr. R. K. Shanmukham Chetty.]

question, therefore, I have not the slightest doubt in my mind that if this preference were withdrawn from Indian tea and if, in addition, preference were given to Ceylon tea, the result would be that Ceylon would capture the British market to the entire capacity of her maximum production and, further, our trade will seriously suffer as a result of the very serious competition of Java and Sumatra.

I, therefore, maintain that the preference granted on tea is one that is essential for us if we are to retain the market that we have. But I do not forget the familiar argument that, after all, the tea industry in India is in the hands of British capitalists. I am fully aware of that fact, but, as a student of economics, as a public man, as one who is interested in the economic development of the country, when I am faced with a situation of that nature, I can only apply certain tests with a view to determining what the economic value of the tea industry of India is today. I am prepared to gloat with some of my friends over the threatened extinction of the British capitalist in India. But what would be the economic consequences to India? The Honourable the Commerce Member said that Rs. 3½ crores of Indian capital is invested in Indian tea gardens. That figure, I may tell you, applies only to the tea gardens in Northern India and not in South India. If you include the figures for South India, you might, at a conservative estimate, say that about rupees five crores of Indian capital is invested in the Indian tea gardens. But even that is a misleading figure. Rupees five crores is the actual paid up capital and it does not represent the actual amount of money invested in the tea gardens, because many of the Indian tea gardens have re-invested their earnings in the gardens themselves. Therefore, if you were to take an accurate statistics of the amount of Indian capital invested in the tea industry in India, you will find that it is of an appreciable amount, and by itself that would require to be protected.

**Diwan Bahadur T. Rangachariar:** Where do you get it?

**Mr. R. K. Shanmukham Chetty:** I cannot be telling you all the sources of my information.

**Diwan Bahadur T. Rangachariar:** But where are those tea gardens?

**Mr. R. K. Shanmukham Chetty:** In South India. I would ask my Honourable friend to go to Wyanad and certain parts of Malabar and Travancore. . . .

**Diwan Bahadur T. Rangachariar:** The Indian capital is rupees five crores in South India?

**Mr. R. K. Shanmukham Chetty:** I did not say rupees five crores for South India, but rupees five crores for the whole of India. I cannot forget that apart from the great interest that Indian capital has got in this industry, over million people are employed in the tea gardens of India. Nor can I forget that the financial solvency of Assam and Bengal depends upon the prosperity of the tea industry, and, to some extent, the finances of Madras also would be affected. And, whatever satisfaction it might give me to see the British capitalist go down, I was not prepared to contemplate with equanimity the wiping out of this enormous amount of Indian capital from this industry, the throwing out of all these labourers

from the tea gardens, and the financial breakdown of two of the provinces. Even though the tea industry is essentially manned by British capital, I am not prepared to cut my nose to spite the Britisher's face.

In the case of tea, this preference would enable us to retain the volume of trade that we already possess, but, in certain other commodities, I am prepared to prove that the preference that we have obtained would enable us to expand our trade in the British market. My Honourable friend, the Commerce Member, gave the instance of linseed. My Honourable friend, Dr. DeSouza, gave the instance of coffee. I shall only give two instances. I shall give the instance of vegetable oils. The value of our export trade to the United Kingdom in 1929 was £89,000, but the United Kingdom imports 241,000 tons of oil of the value of £9 millions, and today we have got only about one per cent. of that United Kingdom trade. Three per cent. of that trade is in the hands of Ceylon and, for the rest, 96 per cent. is in the hands of foreigners. Here is a British market of the value of £9 millions, of which the Empire countries have got only four per cent., and the preference that we obtain is 15 per cent. I put it, whether, on the face of these facts, one should not come to the honest conclusion that, with this preference of 15 per cent., there is a considerable scope for the expansion of our oil trade in the British market. The only possible factor, that might diminish its value, is our capacity to increase the production of oil seeds, and I would ask whether we have not an almost unlimited capacity to increase our oil seeds cultivation in India, and when that happens, what will be the ultimate economic value to India of this preference? Not only would our primary producers be benefited, but the oil crushing industry would be established in this country and we would retain in this country the oil cake so much needed for manure and for fodder. Or take the case of rice which is not very important, and yet important in a sense. The preference that we have got is a penny a lb., which is very nearly 50 per cent. *ad valorem*, and what is the position? The United Kingdom takes 123,000 tons of rice of the value of very nearly £2 millions. India supplies only 26 per cent. and the foreigners supply 74 per cent. I ask, is it not open for one looking at these figures, knowing the exportable surplus of rice in India, knowing that this preference is 50 per cent. *ad valorem*, knowing that our chief competitors are foreign countries—is it not open to one to say that we can capture the British market in rice? That is the only honest conclusion to which I can come by going through these figures. I may take other figures, but the time at my disposal would not permit me to examine every one of these items and to prove that, in a great many of these, there is an immense possibility for the expansion of our trade in the British market.

The preferences, I, therefore, maintain, must ordinarily result in an expansion of our trade and not in a diversion of our trade from foreign countries. I really fail to understand the logic of the Professor who says that what will result is only a diversion of trade. Diversion of trade will result if our capacity to increase is limited, but in almost every one of these articles on which we have got a preference, our capacity to increase production depends only on the demand that we can create in the outside markets. That is the only limit, and, subject to that limit, our capacity to increase production is very great. I, therefore, maintain that under normal circumstances we can reasonably anticipate an expansion of trade in those primary products which are so essential to

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the welfare of the masses and the agriculturists for whom tears have been frequently shed in this House.

If you take the other side, namely, the imports, I am yet to know on what particular commodity the preference will act as a detriment to India's industries about which I hear in these criticisms. No doubt some of the industries that are thriving on the revenue tariff might be affected, but when the Bill comes on, it is open to Honourable Members to suggest that in the case of those industries the existing level of duty might be retained and the duty on the foreigner might be increased by ten per cent. I fail to understand how the preferences that we have agreed to will ruin India's industries. (Mr. C. S. Ranga Iyer: "What about aluminium?") I do not know about aluminium; I would like to hear about it at a later stage. But if the only effect of this Agreement is to crush the aluminium industry of India, I am prepared to subscribe to this Agreement.

Sir, I maintain that if the critics want to prove that it is a bad bargain, then it is up to them to show in what respect the preferences that we have obtained are valueless, in what respects we should have obtained more preferences, and in what commodities we ought not to have given preference to the British. Those are the points in which I would like to have constructive suggestions. After all, it may be that I and my colleagues committed a grave error of judgment at Ottawa; we are not infallible; but I have been waiting and waiting, ever since the Report was published, to have some light beyond generalisations.

The only commodity on which we have not been able to obtain preference and which is of great value to us is cotton. In that I want to make the position clear. The United Kingdom takes about 600,000 tons of cotton per year and we supply only  $7\frac{1}{2}$  per cent. of this demand. Before we could insist upon Britain taxing raw cotton to our benefit, we must be honestly satisfied that we can supply the kind of cotton that England wants, because you cannot ask a country to tax a commodity which you have not got to supply to them. What England wants primarily is medium and long staple cotton and those who know the Indian textile industry and the progress made in Indian cotton cultivation realise that even to meet our own requirements for home consumption we have still to import about 600,000 bales of medium and long staple cotton for our Indian mills. In view of this, how could we press for the imposition of a duty on foreign cotton in England. We also realised that there is considerable scope in England for the greater use of Indian cotton. The Lancashire spinners complained to us that, in spite of their anxiety to buy Indian cotton, the marketing conditions at Liverpool of Indian cotton were very unsatisfactory. We were able to persuade the British Government to agree to co-operate with the Indian Government in doing something with a view to having better marketing facilities for Indian cotton at Liverpool and to enabling Lancashire to use a little more of India's cotton. Beyond that it was not possible for us to do anything more and it would not have been possible for even Professor Vakil to have done anything more if he had gone to Ottawa.

Sir, I shall now come to some of the critics. I would take the criticism of the Federation of Indian Chambers of Commerce, because this is the body which is supposed to represent Indian commercial opinion or which has taken upon itself the task of representing Indian commercial opinion. I find there is, first of all, an abuse of the personnel of the Delegation.

They say that the Delegates do not represent Indian commerce. Well, Sir, I never in my dream aspired to compete with the Executive Committee of this Federation for the honour of being the representative of India's commercial interests. That task can be fulfilled only by those gentlemen that control that Federation today. The Executive Committee of this Federation, Sir, is today controlled by a clique of super-patriots who have so far identified themselves with the interests of India, and that their own personal interests and India's interests have become synonymous terms. (Laughter.) Naturally these super-patriots, when they examine a Trade Agreement of this nature, would apply a criterion with which they are familiar; that criterion is, how it was going to benefit them personally. Having found that there is nothing here to benefit them personally, these honest brokers have naturally come to the conclusion that India cannot be benefited, because the interests of India and their personal interests are the same. I do not, therefore, propose to compete with these gentlemen for the honour of representing the Indian commercial community. Here I must thank my colleagues in this House who, for the last two days, have treated me and my colleagues on the Delegation with courtesy and dignity, though they differed violently from our conclusions and from what we did at Ottawa. Leaving the personal aspect, the Federation says: "The figures given in the brochure of Professor Vakil do not appear to be at variance with those given by the Delegation and they have not yet been challenged either by the Government of India or by the Delegation". This means that anybody who wants to reply to the Federation must reply to Professor Vakil and incidentally their greatest reliance on Professor Vakil is due to the fact that Professor Vakil has said something which has not been contradicted by the Government of India or by the Delegates. If, therefore, Professor Vakil says that the population of India is 750 millions and the Government of India do not issue a Communiqué contradicting it, the Federation of Indian Chambers of Commerce and Industry will assume that the population of India is 750 millions. (Laughter.) Now, Sir, let us take this learned Professor's brochure. In his introductory preface, he says: "Such a study is, however, generally avoided, because of the bewildering mass of statistics involved in the same". I find, Sir, in every page that bewilderment has haunted the author of this brochure. Let us take the summary of his conclusions and try to find out on what data and on what arguments they are based. He says: "The determining factor in the proposed Agreement is the need of the United Kingdom for a larger market in India". Well, Sir, the determining factor in this Agreement is the desire of all the British Empire countries to expand Inter-Empire trade. The Ottawa Conference was not convened at the instance of the British Government, but because every member of the British Commonwealth wanted the Ottawa Conference. The Professor says:

"That India may lose, on a liberal estimate, a market of eight crores in the United Kingdom by non-acceptance of the Agreement. That this is only 2.6 per cent. of our total exports and, in view of our strong position in the world market, we shall not find it difficult to find markets for these goods."

The learned Professor has not told us how it is that we can find the markets for these goods if we were ousted from the British market. Apart from that, the Professor estimates that the possible loss to India by the non-acceptance of the Agreement will be eight crores. Well, he does not give detailed figures, but he gives certain indications of the line that



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he took in arriving at these figures. Take, for example, linseed. He says:

"So far as the shrinkage in trade in linseed, pig iron and cotton, by the non-acceptance of the Agreement is concerned, we estimate the same percentage, as in other cases, namely, a reduction of 25 per cent."

It is an *obiter dictum* of the Professor, but unfortunately the trade figures are against the Professor.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): If I may interrupt the Honourable Member, has his attention been drawn to the Supplement issued by the Professor?

**Mr. R. K. Shanmukham Chetty**: I expected that in the Supplement the Professor would have corrected some of his errors, but he persists in his ignorance and dishonesty. The Trade Statistics disclose this. Without a Trade Agreement, in 1913-14, we supplied 157 thousand tons of linseed to the United Kingdom. In 1924-25, it came down to 125 thousand tons. In 1929-30, it came down to 80 thousand tons and, in 1931-32, it came to only 14 thousand tons. Obviously the pressure of Argentine competition is so great that without preference there is a danger of our trade in linseed in the British market being wiped out and the Professor cannot ask us to believe that the loss to India will be only 25 per cent. of this trade. In estimating the additional market the United Kingdom will get in India, he puts it down at 33 crores, which he has revised in his Supplement to 30 crores. How does he arrive at these figures and what are the items that he includes? He includes items like power machinery on which we have not given preferences. He includes silk and artificial silk goods on which we have not given preference and these items account for a considerable figure. He includes cotton piecegoods, cotton twist and yarn and iron and steel goods which are not covered by the Ottawa Agreement. Even as regards the value of the preference that we have already given on cotton piecegoods, his figures are wrong. He thinks that with the preference, that we have given on cotton textiles, the United Kingdom will capture an additional market of eight crores 30 lakhs, but what exactly are the figures? In 1929-30, the total export of piecegoods from the United Kingdom to India was 33.65 lakhs. Then we gave them a preference in 1930, and what was the result? In 1930-31, the exports dwindled to 12.57 crores and, in 1931-32, they dwindled to 7.96 crores. In spite of these facts revealed by statistics which ought certainly to have been available for this Professor, he makes his dishonest figures to come to the rescue of his phantom conclusion that England will capture an additional market of 8.30 crores. Sir, I can excuse ignorance in a Professor, but ignorance combined with positive dishonesty is quite inexcusable. (Hear, hear.) The whole of this brochure,—if I had the time I could prove it,—is based upon *obiter dicta* which have no basis, upon wrong assumptions, upon dishonest facts, upon underestimating the value of the preferences we have got and overestimating the value of the preferences we have given. Yet this brochure the Federation of Indian Chambers of Commerce have recommended for the acceptance of this Assembly. (Hear, hear.) Sir, the real position is this. A great deal of the criticism levelled against this Agreement from certain quarters has been a positively engineered one. I would ask the Honourable Members of this House to look at the Agreement from a more impartial point of view. Sir, when it suits certain

industrialists in Bombay, they can swallow a preference of 25 per cent. in favour of Lancashire (Hear, hear), and they can ask for a prohibitive duty against Japan: and yet when we honestly do something to get a *quid pro quo*, when we honestly do something to secure advantages for our primary producers, well, this very school of thought at once decries it as being of no value to India.

I would ask this House to judge the Agreement from the point of view of how it will benefit India's export trade in which our primary producers are interested. Sir, even in Canada, we were surrounded very often by a mist of misconception. When we entered the boundary of Canada and, as our boat entered the great river St. Lawrence, we were engulfed in a great mist. We did not know what we should do, and, during the negotiations at Ottawa, as Mr. Stanley Baldwin put it in picturesque words, we had some samples of the varying climate of Canada, which was an index of the varying moods of the Delegates: we had days of cloud, rain, thunder and lightning, but, Sir, we concluded the Conference in bright and cheerful sunshine. I venture to think that when the cloud of ignorance and the mist of prejudice, surrounding this Agreement in India today, have vanished and, in the pure sunshine of reason, it comes to be examined, it will be found to be of some benefit to the primary producers of this great land. (Loud and Prolonged Applause.)

**Diwan Bahadur T. Rangachariar:** Sir, I have listened with great respect to my Honourable friend, Mr. Shanmukham Chetty. I know he is one of those true and patriotic sons of India. Sir, I know him intimately, almost from his boyhood, and I am not here to quarrel with his motives or with his representative character. But there is one thing which I wish to give expression to. Having to pass through Bombay, I happened to be present at a public meeting at which Sir Lalubhai Samaldas presided. At the meeting a great disappointment was given expression to, that you, Sir, who ought to be on the floor of the House in connection with this matter is now rendered speechless by your occupying that exalted Chair. Now I wish to add, Sir, that I wish now, having heard Mr. Shanmukham Chetty, that he had occupied that Chair now (Laughter) for more reasons than one. In the first place, the Government would not have had such unpaid for but able advocacy which they are having at the hands of my esteemed friend, Mr. Shanmukham, and, in the second place, with due respect to him, he would have been saved the reproach for a portion at least of the splendid speech which he has made in defence. I wish he had not exhibited such vehemence and anger. Naturally, Sir, as he has been attacked, he is on the defensive. At the same time, I wish he had refrained from indulging in the accusations that he did. I do not know the present colleagues of the men in question, but I know he, Mr. Shanmukham, was one of the most distinguished members of the Federation of Indian Chambers of Commerce. I wish also my Honourable friend had saved himself the unnecessary task of disputing their very high sense of patriotism. Of course he knows how easily we taunt each other with entertaining personal motives and with not caring so much for public interests; and, especially, if I were in my Honourable friend's place, I would not have added those passages in a speech which, in other respects, is so remarkable and so able. Now, having said all that, I am sorry to say that I am left unconvinced that my learned friend's judgment at Ottawa has been quite correct. I know he has tried his best. Although we did not, here in the Assembly, choose him as our representative, I

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am sure, if the choice had been left to the Assembly, having regard to the unanimous way in which we elected him as the Deputy Speaker, I am sure our choice would also have fallen on him. (Hear, hear.) But, Sir, the system under which we are working is so demoralising. Here a choice made by us implies certain obligations, and a choice made by my Honourable friends over there implies certain other obligations. We do not see eye to eye on these economic problems affecting the country. Unfortunately my Honourable friend over there—I am sorry for him—is the first Indian Commerce Member whom we have the honour of welcoming here—I beg your pardon, Sir C. P. Ramaswami Aiyar was the first Indian Commerce Member. Well, my Honourable friend succeeded him. Now, we have been agitating for an Indian Commerce Member for so long, and it is rather an irony of fate that the first Indian Commerce Member should have to support this Agreement on the floor of this House.

Sir, one thing has been completely forgotten by my Honourable friend, Mr. Shanmukham Chetty, and also others who have approached the consideration of this question, namely, the relative position of each of the countries which have entered into this bargain. What is the position in India? We are a country with an overflowing population, rising steadily, decade by decade, having nowhere else to go (Laughter), thanks to my Honourable friend, Mr. Bajpai. (Laughter). Nobody else will take us. Our millions are growing in numbers. We were about 180 millions when I was a child and now we are 350 million odd. I do not know what will be the number when I will lay down my life. But what are we to do? What is the economic condition of the people? The agriculturists, who form the bulk of the population, are involved in debt day after day, month after month. Sir, my Honourable friend spoke of the expanding capacity of our agricultural products. What does it require? It requires capital, enterprise, organising capacity, knowledge, self-contained scientific instruments and co-relating industries in the country. I quite agree with my Honourable friend, Mr. Shanmukham Chetty, that it is the right policy to pursue to expand the main industry of the country, namely, agriculture. Notwithstanding the exertions of my Honourable friend over there in his Department—I think Sir Frank Noyce is in charge of the subject of agriculture—and my friend, Sir T. Vijayaraghavachariar and others who have been labouring in the field of agriculture, the results which they have achieved, I am sure, will appear to them very disappointing, notwithstanding the intensive propaganda which has been carried on by the Agricultural Department all over the country. What are the results achieved? Are they commensurate with the exertions exhibited and with the quantity of funds spent? Now, Sir, it is all due to the fact that we have got an ignorant population. Many of them are illiterate and ignorant and do not know how to organise; they are suspicious of each other and like the primitive methods. So it is very difficult to induce the agriculturist of this country to depart from his own pristine methods. Oftentimes in foretelling weather he is a very wise man that I know of. In the matter of improvements by applying scientific knowledge he is wanting in capacity, he is wanting in finances and he is wanting in the capacity to organise. Therefore, Sir, however much we may yearn for the day when agriculture is to be learnt better and lived better, I think that day is far too distant for you and me to realise. Therefore, that is one matter which has been overlooked

in entering into this arrangement. On the one side, what is it that you have got? My Honourable friend has told us frankly that he has not forgotten or neglected the principles which you have laid down in your memorable report on the Fiscal Commission. He adheres to them even today and he will follow them if he can. Therefore, there is no question now of that. My Honourable friend assures us that so far as he is concerned, there has been no departure in the policy of the Government of India. I do not know if the Honourable the Commerce Member will endorse it. What is the policy which has been pursued by the Government of India up to 1930? We must be sure of results before we embark upon any preferential tariff. The risk must not be too great. The retaliation should not be felt and the Indian opinion expressed through the Indian Legislature should endorse the policy before it is launched. Sir, I think those are the essentials of the policy hitherto pursued by the Government of India. Are they satisfied? Are they sure of the results which will come to India by this Agreement? I am very sorry to say, I was not here when the Honourable the Commerce Member made his speech, but I read a report of it in the *Statesman*. It did not contain such positive assurance as my Honourable friend, Mr. Chetty, has given to us today. He still left it as a matter of doubt whether really India is going to positively benefit by this arrangement. My Honourable friend, Mr. Chetty, gives the go-bye to para. 18 of his report. He says, it was a great mistake. I think he will say that it is not happily worded; it was not intended to convey what the words do convey. It only means that the Government of India wanted to take part in this Ottawa Conference. But, however unfortunately it may have been worded, the words tell a different tale. However, when we look at the large volume of material for which preference has been given, it covers about four long Schedules containing over 100 items. My Honourable friend will not call it Imperial Preference. It matters not what the name is. We want to look at the substance. What is it in substance? It is a case of giving preference to various articles which are imported into this country from United Kingdom which are too numerous to mention. On the one side, it is a positive gain if you look at it from the point of view of the United Kingdom that they have an overflow of production. They are not able to find the market. Their market in this country has been diminishing gradually and steadily year after year and the official report will bear it out. Even the last publication of India in 1930-31 contains that woeful tale that Britain is losing ground and the United Kingdom is losing in India, and other countries are gaining grounds in this country. England was on the brink of a financial ruin last year. Thanks to the united efforts of the Nationalist Government, they have tried to rehabilitate themselves and it is a matter for congratulation that they are very nearly succeeding in their attempt. But who has contributed largely in the matter of helping them to stand on their feet? My Honourable friend said that, in a matter of negotiation, you must make out what you are going to give in return for what you are going to ask. That is quite true. But did my Honourable friend tell them as he ought to have done: "My friends, you ask for a return. By your policy and by your order asking us to link the rupee with something else",—I am not able to use the correct currency expression for that,—"you have induced India to part with 90 crores of solid gold which you were sadly in need of and you are establishing your credit with France and the United States of America with the help of that gold. What return have you given for that?". Was it not a solid gain? It was due to the

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deliberate action of the British Cabinet supported by the Government of India in criminally allowing this gold to escape this country freely before their very eyes. It was unjust to the poor ryots to send away their savings by giving them an extra price. And what did they do with the money that they realised by selling their gold? They paid Government revenue; they performed their marriages on a grander scale; they performed their ceremonies and other things which they would not have

done otherwise. Yet that was what enabled Britain to stand on her feet now and say with a proud face, "We are once again the premier financier nation in the world". What return did we get? Did my Honourable friend put that question, when they said they wanted a return? What return did we get for having been tied against our will to the free trade policy of England? You open the doors wide for yourself and your cousins abroad, first and second cousins abroad, you also open the side doors in the shape of administrative conveniences such as the regulation of railway tariff to suit the imports into this country. Did my Honourable friend ask that question of the Britishers? For over 100 years they enjoyed the benefit of India being in their possession and they have a subordinate Government here which they control from England at their sweet will and pleasure. What benefit have we derived in return for all these. It is the Britishers that derived all the benefit from being in possession of this country. You have had beautiful investments in this land, yes, you have invested and re-invested the huge profits you made in this country and you want safeguards for those interests. Is the word 'safeguards' a mere expression or are they really in earnest about "safeguards"?

My Honourable friend, Mr. Chetty, seems to have been frightened by the threat about tea. Was it not one of those interests for which they want safeguards in the political constitution? Do they mean to include the tea industry in that or not? Will my Honourable friends over there kindly answer? When Mr. Benthall went to the Round Table Conference to represent the Calcutta European interests and formulated his propositions regarding safeguards for European commercial interests in this country, did he omit to include tea in that category? No, Sir. The British nation knows much better than we do. They are more cunning than we are. My Honourable friend, Mr. Chetty, was easily deluded by the threat and that is my chief complaint against him. He was not a strong man. I know what atmosphere surrounds an Imperial Delegate. I may say at once that that is not the proper place for making a bargain. The place for making a bargain is a business conference carried on either in London or here. You go and conclude this Agreement with England at Ottawa, far away from this place and far away from the influence of your Honourable friends to your right and to your left. I am sure, Mr. Chetty would have secured better results if he had been deputed to do the work either in London or here. That apart, I want to see whether we are really going to expand our export trade and is it worth while expanding our export trade in raw materials? We have to leave a legacy to our succeeding generation; we leave them a legacy of population and we must leave them at the least the potentiality of developing the resources of this country for their benefit. We cannot take risks with those potentialities. Speaking with all respect to my Honourable friends, I am afraid we are taking unknown risks in being asked to ratify this Agreement. Our trade has now reached a certain steady level. We are

exporting about one-third of our exports—I am not an adept at figures, I can only speak in substance—we are exporting a third of our exports to the United Kingdom and the United Kingdom has always had the advantage of taking less from us and sending more to us. But other countries take more from us and send less to us, so that it is a profit to us to trade with other countries in that it leaves us a balance of exports over imports. But, in the case of England, she always sends more to us, because even at the present day, with her diminished exports to this country, she takes less from us and sends us more. However, that is another matter. The point is this. Are you going to disturb that trade which has now steadied itself with various countries? This must be the result. Does my Honourable friend deny that fact? Will you not be diverting the sources and the channels of trade with various countries? Will it not be disturbing the arrangements which existed for years together with various business houses? Now, this will have undoubtedly a disturbing factor. Are you being sufficiently recompensed for that risk which you are taking? I think not. Except in the case of tea, in the case of linseed, if you take all oilseeds together, my Honourable friend will realise that England is taking less and less as years go. I do not know why. Does my Honourable friend realise that for the last few years in the case of oilseeds, all put together, England has been taking less and less? She took about 15 per cent. last year.

**Mr. R. K. Shanmukham Chetty:** It is due to foreign competition. Argentine has been displacing us.

**Diwan Bahadur T. Rangachariar:** They take only 13 per cent. of our exports of oilseeds. Taking for granted that other countries have displaced us in the matter of oilseeds, cannot my Honourable friend realise that we can establish oil mills in this country and also manufacture from those materials all those products which we are now importing for our toilet purposes and other things? Does he not contemplate such a state of things? In this respect what does the report suggest? Take for instance, soap, which is now seeking a firm hold on our household. Mysore soaps are very much in vogue these days and there is also a Government soap factory in Madras. These soaps are now slowly lifting their head and capturing our household and they are displacing foreign soaps. What are you doing by ratifying this Ottawa Agreement? You are making British soap much cheaper in this country. British soap is a great competitor to Indian soap and yet you want to give preferential treatment to British soaps.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): They are needed more in Madras than anywhere else.

**Diwan Bahadur T. Rangachariar:** I do not know that. However, this Agreement will have a deleterious effect on the soap industry. Take the case of metals. My Honourable friend did not realise that in the case of metals, England wants protection for what, not for her own metals. She imports her metals from abroad, shapes them and makes them into sheets and sends them over here. Take aluminium. Take those things which are necessary commodities for our household. We use aluminium utensils for our household. The manufacture of aluminium utensils was in Indian hands till recently. The English exporters have established their own factories here and they are manufacturing aluminium utensils in India in competition with Indian manufacturers. So much so that aluminium

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industry which was 85 per cent. in Indian hands has now gone into the hands of European manufacturers in this country displacing the Indian manufacturers. That shows want of organising capacity amongst Indians. The Englishman easily comes here and replaces us in all fields, because he belongs to a better educated and a more cohesive community like the European settlers all over the world. Now, only 15 per cent. of aluminium industry is in Indian hands. If you give preference to the British interests, the same fate will overtake our copper industry. We have largely been using copper utensils in our household. Are you going to allow all our industries to be displaced by European manufacturers? Have you contemplated the possibilities of these risks? Has that question been examined carefully by any committee of experts? The report shows no indication of these points having been examined or of the authorities having been alive to these defects in the Agreement. My Honourable friend told us about the principles which guided them in drafting the report. I have no quarrel with the principles. The principles are sound enough. The only point is, the whole question has not been examined thoroughly from all points of view. They have not taken into consideration the injurious effects it will have on our industry, they have not taken note of the want of capacity on our part to compete with the British industries. My Honourable friend recognises that diversion of trade is no benefit to us. What we want is real expansion, but our capacity for expansion is limited, whereas the capacity of the other party to send his goods here has no end of them. Because the other party is in straitened circumstances for want of outlet, he is, therefore, ready to take his part of the bargain. My Honourable friend tells me that if we agree to this pact, on some distant future date, we will also be ready to expand and when we have expanded, we will be able to enjoy all the benefits which are conferred upon us by this Agreement.

Sir, with regard to tea I quite realise that if the British Government are really in earnest about tea, we must all join hands with my friends over there to protest against this most unjust and iniquitous action on the part of the British Government to impose any duty on tea. They ought not to do it. Do they want India or not? Is India worthless to them? Is it only on these terms that they want India, a fresh bargain? Do they want a fresh bargain with the Colonies? No. Has India been placed on an equal footing in the Empire? No. On the other hand. . .

**Mr. R. K. Shanmukham Chetty:** We have got a better bargain than most of the Dominions.

**Diwan Bahadur T. Rangachariar:** My Honourable friend may congratulate himself on that; but the net result of it is, unfortunately, as I am able to see, injurious to the future interests of India as far as I can visualise it. But how does he propose to give effect to this preference? My Honourable friend says, either increase the duties or diminish the duties or do both. What about taxation, what about the consumer? What has my friend, the Honourable the Finance Member, got to say about it? When the next Budget comes, he will have to come to us with a diminished revenue. I see alarming reports about the receipts under Customs and under Railways. I am afraid, even to meet our ordinary needs, we will be confronted with proposals for taxation, and where do they come from? From the Customs revenue. The Customs

revenue gives us more than 50 per cent. of our net revenues already. Now, my Honourable friend either increases the tariff on foreign goods or diminishes the tariff on British goods. If you diminish the tariff on British goods, what happens? You reduce your available funds. My Honourable friends over there want the ten per cent. cut in their pay to be restored next year. Then, how will the Government be carried on if you diminish the revenue from Customs? Then, they say, we shall increase the tariffs on other goods. But who is to pay? The poor agriculturist. It is he who will have to pay indirectly in the shape of higher prices for his goods.

**Mr. R. K. Shanmukham Chetty:** I can tell my Honourable friend that out of a total of 258 crores of imports we have agreed to give preference only to 58 crores.

**Diwan Bahadur T. Rangachariar:** As the old saying goes, the last straw breaks the camel's back; and any little addition to the tax, either direct or indirect, in this country is sure to lead to rebellion. There are other things leading to it also; and this is the only place where I can speak frankly now-a-days. But what is it that you are doing? You are compelling me to prefer you. It is like a husband saying, I will have a wife in every port, and you, my wife, must be my Sceta. That is the position, Sir. Sir, my Honourable friend has given away a very valuable instrument which we had in our hands, namely, the bargaining weapon which we had for securing Political equality. I quite realise the importance of coming to an Agreement with the Empire, and, in the first place, with England. I am not one of those who want to be out of it; I am proud to belong to it although that pride is going down day by day. At the same time, I want to retain that friendship. But that is the one great weapon which we had. My Honourable friends, when it suits them, advise me to avoid politics, but when it does not suit them, to introduce politics. But how can I forget politics when I have to deal with the economic condition of my country? We want to retain that weapon, that is one reason. The second reason is that I am not satisfied that it is to the best interests of the country. On the other hand, I am inclined to believe,—I will not be so positive as my Honourable friend,—that it is likely to be injurious to the interests of India. On all these grounds I ask my Honourable friend to come with us into the lobby. I will appeal to his sense of patriotism and not to desert us and be the only Indian to support the Resolution. After all, no man can say that he has the monopoly of wisdom, and public opinion has expressed itself very strongly upon it. Sir, I would be failing in my duty if I do not convey at this stage the message given to me by a public meeting in Bombay:

"This meeting of the public of Bombay consider that the Indo-British Trade Agreement made at Ottawa is opposed to the fundamental principles of national economy and is detrimental to the progress of the Swadeshi movement inasmuch as:

(i) it entirely ignores the inevitable effects of the proposed preferences on the industrial and economic development of India; and

(ii) it is not based on the principle of reciprocity, because it ensures, at the cost of the Indian consumer and the taxpayer, a substantial market to the British manufacturer, without any adequate return to India."

Sir, I conclude.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.



The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

**Dr. D. B. Meek** (Government of India: Nominated Official): Sir, I rise to support the Resolution moved by the Honourable Member for Commerce. Before proceeding any further, I should have liked my Honourable friend, Mr. B. Das, to be present so that I might thank him for his cordial welcome to me as a novice to this House. He referred also to the Department of Statistics and said that he depended on my raw materials: at least as far as I remember, I think he said that he depended on my raw materials for his finished product. I am sorry that, in this particular case, although he has been giving my raw materials, *viz.*, statistics, considerable preference—that I assume that from the number of publications which I have had to issue recently, I cannot give him reciprocal preference, so far as his finished product is concerned.

To the Resolution which has been moved, there have been various amendments. One of these amendments suggests a reference to the Tariff Board of the Ottawa Agreement for examination and presumably report on its merits. The Tariff Board, I need hardly say, is a body with functions definitely laid down. The functions are to examine applications from industries or industrial bodies desiring protection and, after examination, to report to Government as to the necessity or otherwise for protection, and the form which such protection ought to take. The Tariff Board also works along definite lines and is controlled by definite guiding principles laid down in that memorable document produced by the famous Commission of which you, Sir, were the able President. These being the functions of the Tariff Board, what is the purpose of referring the Ottawa Agreement to such a body? The Agreement concluded at Ottawa contains nothing which in any way impairs the protective element in our tariff so far as Indian industries are concerned. Throughout the whole report, the Delegation have been careful to indicate, time and again, that protected industries in India had their first care. At the head of Schedule F of the report, it is carefully stated that the 10 per cent. preference to be granted to the United Kingdom by the Agreement *does not* extend to articles which are liable to protective duty at special rates under part 7 of Schedule II of the Indian Tariff Act. There is no danger, therefore, in accepting the Resolution which has been placed before this House, that those industries in India which are at present receiving protection will have their protection in any way minimised by the necessary amending legislation to give effect to the Ottawa Agreement.

I have a feeling that the desire to refer this matter to the Tariff Board probably arises from the fact that the Board is called the "Tariff" Board. The impression seems to be that any amendment to the Indian Tariff Act must necessarily be referred to the Tariff Board. But amendments to the Indian Tariff Act take place practically every year: we have a Finance Bill every year and we do not refer the annual Finance Bill to the Tariff Board. We do not even refer the materials on which the Finance Bill is prepared to the Tariff Board. For that reason, therefore, I consider that a reference of the Ottawa Agreement to the Tariff Board is unnecessary.

And I would go further. Supposing reference were made to the Tariff Board, what could the Tariff Board really do? We sent a Delegation to Ottawa, one of the strongest Delegations which probably has ever been

sent from India to any conference. They spent, in time of preparation and in time of concluding their report, about four and a half months work on the problem which has been set to them. If these gentlemen, experts in many lines, particularly experts in tariff problems, spent four and a half months in detailed study in order to produce an Agreement and this Report, what can we hope that a Tariff Board, a small body, a very small body relatively to our Delegation, can do in any relatively short time to improve on the position, or even to enable us to understand more clearly the benefits which we hope to derive from accepting the Delegation's Report and accepting the Agreement arrived at at Ottawa? In my opinion, this would be simply repeating the work already done, asking a small expert body to do what has already been completed, and, in my opinion, well completed, by a highly trained, large and highly efficient body, already appointed by Government. It would simply result, so far as I can see, in a waste of time and money. Further more, it is difficult for me to believe that the Honourable Members of this House find any difficulty in understanding the problems which have been raised in the Report or in evaluating the value of the preferences which are contained in the Agreement.

I turn now to another point. Many Honourable Members in this House have referred to the danger of retaliation. They have expressed a fear that if we send goods to the United Kingdom under preferential tariff and if we give preference to imports from the United Kingdom into India, and from one or two other parts of the Empire, other countries, foreign countries, will retaliate on India and refuse to take our raw materials. This question of retaliation crops up every now and then. In my opinion, it is an entire bogey. The countries which buy our raw materials buy those raw materials, because they are cheap: they would not buy from India if they could get them cheaper elsewhere. They cannot put a very high tariff or a very high import duty on the raw materials, because their importers would complain that their industries were being crippled. They import these raw materials for the purpose of manufacturing articles for export. They must keep down the price of their exported article and they must, therefore, keep down the price of the raw materials . . . .

**Sardar Sant Singh** (West Punjab: Sikh): May I inquire from the Honourable gentleman whether the same argument would not apply in the case of England too?

**Dr. D. B. Meek:** I take it that England will not retaliate against us if we give them preference. Another point which makes me feel that retaliation is not a matter with regard to which we need have any great fear is the fact that, in many cases, we are under agreements with countries to receive most favoured nation treatment. It is not possible for foreign countries in these cases to levy a higher duty on goods from India than on similar goods from other countries, the only exception to that would naturally be the Colonies belonging to the foreign countries. But as we know from an examination of the Atlas, most of our buyers in Europe are rather limited in the Colonial areas which they possess competing with India in the production of raw materials which we send to them.

[Dr. D. B. Meek.]

Also in support of the argument that retaliation is not a matter with regard to which we need have much fear, I give an example. Recently in the case of France, extra duties have been imposed on articles imported into France at low prices on account of the depreciation of currencies in other countries, France remaining on the gold standard. In that case, a number of articles sent from India to France are left free, or if not free before, are left subject to the same duty as was applied to them before this new arrangement came into force. The reason is simple. France requires these articles from us at the lowest possible price, and her importers will not allow Government to impose high duties on the raw materials which they require for the manufacture of the products which they export to other countries. Similarly, we might say the same with regard to Japan. Japan will still buy our cotton even if we place a very high duty on her piecegoods imported into this country. She will buy our cotton as long as the price of our cotton is slightly below the parity rate; that is so long as it is a good bargain she will not buy American cotton in preference to Indian cotton.

Sir, I turn to another point. One of my Honourable friends opposite seemed to think that under the Ottawa Agreement, there was a difficulty, there was a danger, that we might lose the preferences which the United Kingdom would give us if other countries approached the United Kingdom, if other countries negotiated with the United Kingdom, for the purpose of entering into trade agreements. As far as I remember, it was indicated, from press report, that some 16 countries had already approached the United Kingdom for this purpose. That is all to the good. That, in my opinion, apart from the general economic question, altogether proves that these countries must think that the agreements which have been concluded at Ottawa have a real value; but that is not the point which I wish to make at present. I feel convinced that most of us think in that direction. The point I wish to make at present is this. I wish to remove the misapprehension from the Honourable Member's mind, if it still exists therein, that the Agreement does not safeguard India from the destruction of our preferences by the formation of Trade Agreements between the United Kingdom and other foreign countries. Articles I, II and IV cover that. If Honourable Members who have any doubts on the subject will refer to Article IV particularly, they will see that what I say is correct. With your permission, Sir, I shall just read that Article. This is what it says:

"His Majesty's Government in the United Kingdom undertake that no order will be made and that Parliament will not be invited to pass legislation which would have the effect of reducing the margin of preference now enjoyed by Indian goods of the kinds specified in Schedule C over similar foreign goods, and further undertake that, in the event of any greater preference being accorded in respect of such goods imported from any other part of the Empire, such greater preference will be extended to Indian goods."

This latter portion is, of course, always very welcome.

With your permission, Sir, I will take another point, the point raised by one of the Honourable Members yesterday afternoon. As far as I can remember, the point is this, that the Supplementary Agreement, that is the Agreement which relates to iron and steel, will place India in the

position of a country which will not produce more than semi-finished materials. It would, as far as I can recollect, place India in the position to manufacture only semi-finished products for a very long time. The question was asked,—why do not Tatas roll all the steel sheet bar into galvanised sheets, why don't Tatas do the rolling themselves? The whole point was very fully and clearly explained in paragraphs 72 and 73 of the Report. I can put it this way. India has given protection to the steel industry. During a certain period we arranged, at least it was arranged, that an increasing quantity of steel would be manufactured. The depression comes along, and these orders are not forthcoming to Tatas. Tatas find, or rather the steel industry, say, finds, that they have a large amount of steel which is not required for the manufacture of steel rails. They have a sheet mill, a mill which rolls galvanised sheets. Its capacity is limited, and it is working to its full capacity. But the mill, which produces sheet bar, produces far more sheet bar than is required in this country, and far more sheet bars than it is possible to turn into galvanised sheets. We have, therefore, a surplus steel which at the present moment, and for some time to come, cannot be manufactured into finished product, if we call galvanised sheet a finished product. It is, therefore, surely a good bargain to send it to foreign countries if they can take it under such terms as to make it profitable to this country to receive back the finished article.

That is not the only point. The next point in regard to this Supplementary Agreement is that it will only last for 16 months; it will terminate at the end of March, 1934; and a stronger point still, in my opinion, is the fact that the Supplementary Agreement is a result which follows naturally from a definite agreement between industrial interests in this country and industrial interests in the United Kingdom. We have heard complaints all summer that industrial interests have not been consulted. This is one particular case where no one can say that the entire industrial interests, both on this side and on the other side, have not been fully consulted.

Sir, if I may, I shall take another issue, and that is the point regarding the feeling that this Ottawa Agreement and the whole programme following therefrom has been the result of action which has been described more or less as holding a pistol at the head of India. It became clear during the debate that some Honourable Members were still under the impression that the Import Duties Act of the United Kingdom would come into force on the 15th November. The Import Duties Act, if I may say so, has been in force since the 1st March, 1932—it has been in force for eight months. We have been enjoying preferences for eight months. We have given nothing in return. The only pistol, if it could be called a pistol, is, "I have given you preference for eight months, and is it not time or would you not like to say what you are going to give me in return?". I want just to make it perfectly clear that the Import Duties Act came into force on the 1st March and is not associated in that particular connection with the date 15th November.

Now, Sir, it might be a long subject to embark upon, but the Import Duties Act having come into force on the 1st March, we have been receiving preferences for eight months. The Agreement will bring in changes in certain preferences, but there have been preferences from the

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1st March, and what effect have those preferences had on our trade in those six, seven or eight months? Well, the period is very short, we are in the depth of a trade depression. Countries are jumping about so far as exchanges are concerned, so far as currencies are concerned. These are all problems involved, and I would not wish that anyone would go away with the impression that I lay any great stress on figures which deal with such a short period. Obviously, when preferences were going to be given, foreign countries must have forestalled this action and dumped goods into the United Kingdom in very considerable quantities, and these stocks have to be worked off before the effect could be appreciated by those countries which receive the preferences. But I have taken the trouble to compile figures of the principal articles of export from India, only principal articles, large articles running to a quarter of a crore or half a crore per annum, which have received preference from the United Kingdom during the last seven months. I have taken out the corresponding figures for the previous year. As I say, I do not lay a great deal of stress on these. They refer only to a period of seven months, of which we might say only two or three were effective. But among the 27 articles, important articles exported from India, it is strange to find that in 20 of those the United Kingdom has definitely increased her percentage takings from India as compared with the previous year. In the case of articles without preferences, also large articles, the number of increases is 4 out of 9—4 increases out of 9 in the case of articles without preference, and 20 out of 27 in the case of articles with preference.

**Diwan Bahadur T. Rangachariar:** May I ask, what article shows the highest tendency in this figure?

**Dr. D. B. Meek:** As far as I can make out, pig iron has jumped from 15 per cent. to 34. The percentage share of woollen carpets and rugs has also jumped up. But 20 articles out of 27 have shown an increase in the United Kingdom's percentage share.

I should like, if I may, to continue my remarks about pig iron. Here we have an article which has been produced in this country, and is now and has been for a good many years exported to foreign countries. The total productive capacity of this country is about  $1\frac{1}{2}$  million tons. The foundry requirements are about 150,000 tons, steel manufacturing requirements 500,000 tons, and this leaves a balance of 850,000 tons. That is the exportable surplus of the country, that is the balance for which we would like to find an export market. If all our pig iron blast furnaces were going at full capacity, we could produce  $1\frac{1}{2}$  million tons of pig iron, and we would like a market for 850,000 tons. As has been pointed out in the report, the exports to Japan, which was formerly one of our biggest consumers, have gone down very considerably. Those to the United States also have gone down largely. We find at page 31 of the Report that the exports to Japan have fallen from 180,000 tons per annum to 50,000 tons for the first seven months of the year; those to the United States have fallen from 51,000 tons to 15,000 tons for the first seven months of this year; but the exports to the United Kingdom have risen from 69,000 tons for a whole year, that is, 1931-32, to 43,000 tons for the first seven months of this year. The percentage, as I mentioned a minute or two ago, the percentage of exports from India to the United Kingdom, has

risen from 15 per cent. to 34 per cent. in one year. There are many other items on which I could give figures, but I will not trouble the House any further.

In conclusion, Sir, I should like simply to say this. I feel that this Agreement, which has been concluded at Ottawa, is probably, at least in my opinion, the best bargain of all the agreements which were concluded there. In it there is a clause which allows its determination by six months' notice on either side. The only thing I feel that is wrong about this Agreement is that the Delegation did not tie up the United Kingdom to it for more than six months. (Cheers.)

**Sir Abdur Rahim** (Calcutta and Suburbs: Muhammadan Urban): Mr. President, within the time at our disposal in this debate it is not possible to deal with the specific items which are dealt with in the Indian Delegation's Report. One can only deal with the general features of the situation as created by this Trade Agreement.

The last speaker, Dr. Meek, whom we are all glad to see in this House, has replied to certain points which have been made on this side of the House. I will come to the question of referring the matter to the Tariff Board for examination afterwards. My Honourable friend, Dr. Meek, says that so far as retaliation from foreign countries is apprehended, there is no danger, because they would naturally like to buy the raw articles from India cheap, so that they can export the finished articles at a profit. One question was put to him, while he was speaking, whether that argument did not apply equally to Great Britain, and so far as I could judge, the interpellator did not get any satisfactory answer at all. Sir, is it possible to think that Great Britain will not act in the same way, or that Great Britain will act in a vindictive spirit towards India, even if her own interests require that there should be no retaliation, no imposition of duties, because we are unable to give preferences to England on some of her articles? It is not, however, merely a question of retaliation, but we all know that unless we are in a position to buy from foreign countries, they will not be in a position to buy from us. This is an ordinary elementary principle of economics and I have not heard from Dr. Meek, who is such a well known expert, any answer to this argument. What is our trade position? Our trade

with foreign countries is nearly 66 per cent. while that with England is 33 per cent. That is to say, our export trade.....(Mr. F. E. James: "Is that the total of all countries?") Yes, we are concerned with our total trade. We do not want a diminution in our total trade. We want an expansion of our trade and we have got to see whether this Agreement will lead to expansion or not. My friend, Mr. Shanmukham Chetty, who as usual spoke with a great deal of eloquence and, I am afraid, also with considerable heat at moments, did not tell the House what would be the effect of this Agreement on India's balance of trade. I suppose he did not tell us, because he was not in a position to tell us, but my greatest grievance, so far as this Agreement is concerned, is the way in which the Government of India regulated the procedure with reference to the task which was made over to the Indian Delegation. So far as the Self-Governing Colonies were concerned what was the procedure which the British Government adopted in dealing with them? They gave their own list of commodities on which they wanted preference from the Colonies to their representatives in the Colonies and similarly representatives from the Colonies came over to England with their list. Who prepared

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the list in our case? Let us hear what Mr. Stanley Baldwin says. He seems to have been surprised at the procedure adopted by the Government of India in this respect. Mr. Baldwin says on page 58 of the Report:

"You have no doubt heard from your Government that the discussions preliminary to the actual Conference are intended to be of a quite informal and provisional character. Such discussions are already proceeding with representatives of the Dominion Governments both in London and in the Dominions. Our representatives in the Dominions have been furnished with lists of the goods in respect of which further tariff concessions will be specially acceptable to this country and the lists are being discussed by them with representatives of the Dominion Governments. Similarly in London some of the Dominion representatives are furnishing lists of the concessions desired by their Governments and these are being discussed by them with departmental representatives of the British Government. It is the desire of your Government (*addressing the Delegates who were then present*) that both sides of the preliminary discussions between this country and India should be conducted with you in London and it has been agreed in the correspondence that they shall have the same informal and provisional character as the negotiations with the Dominions."

Did not my friend, Mr. Shanmukham Chetty, realise at what great disadvantage he and his colleagues were placed by this procedure of the Government of India? They had not the advantage of consulting the business houses of this country. They had not the advantage of consulting our economic experts or other persons competent to give an opinion on these momentous questions. They were there in London. I do not know who prepared the list. We are told by Mr. Chetty that the Indian Delegation were lucky enough or successful enough or able enough to get all their items accepted. Sir, who prepared the lists of those items? It must have been the Government of India.

**Mr. R. K. Shanmukham Chetty:** The Delegation prepared the list of the preference that India wanted in consultation with the Government of India.

**Sir Abdur Rahim:** The Government of India originally supplied the list, I take it. They had this list out in London where they were out of touch with the business people here, out of touch with India's public opinion in the country. It was a most serious matter to place the Delegation at this very great disadvantage. It was not fair on the part of the Government of India to place them in this position. What did the British Government and the Self-Governing Colonies do? They knew that in matters of such vital importance in which such extensive interests are affected, there could be no list prepared unless they had the advice and the opinion of persons who were interested in the business. That was the difficulty of our Delegation there and that is the reason why my friends, Mr. Shanmukham Chetty and Haji Abdoolah Haroon, find themselves in absolute isolation in this country so far as public opinion and the opinion in this House is concerned. Everything was done by the Government of India and the Government of India, being a subordinate Government, those lists were prepared in consultation with the India Office and the India Office must have consulted the Department of Trade or whatever the Department is of the British Government. I say, they were, in fact, faced with a *fait accompli*. They had the list on which Britain wanted preference, to which I take it the Government of India had already given their support. I should like to know from Sir Joseph Blore why this peculiar procedure was adopted in the case of India? Was it because India is not a Self-Governing country. Did or did not the

Government of India decide everything or rather the gentleman in Whitehall, who is a member of the British Cabinet. Therefore, I say, there was no independent examination of the problem involving very difficult question, with which the Indian Delegation was faced in London. I should be the last person to suggest for one moment that my friends did not do their utmost to safeguard the interests of India, but they were at an absolutely fatal disadvantage. They could not claim to know all the ins and outs of Indian business and the way in which the various business interests would be affected. I trust they do not claim, indeed they cannot claim that they are authorities on every subject that was discussed at Ottawa. Sir, if they had been given the opportunity to discuss matters here, if the matters had been discussed with them in India, and if they had had the opportunity of discussing them with their business friends and leaders of public opinion in this country, then the position would have been entirely different. Sir, this is the fatal defect of this Report, the very foundation, on which it is based, is bad, absolutely bad: it is virtually the Report of the Government of India (Hear, hear), at least it is a Report supporting conclusions arrived at before the Delegation landed in London. Sir, our request embodied in the amendment is of an extremely modest character, and I am surprised to find that the Government Benches, so far as we can gather from the last speaker, are not inclined to listen even to such a request. What is it that Government want? They tell us through their experts that these are very complicated economic questions and, therefore, we must consider them very carefully. We must not throw out the Agreement off-hand. Then, what do you want? We know the Indian Delegation had not the advice of Indian public opinion and Indian business experts here. Are we going also to vote blindfolded? Is that what the Government want? (*An Honourable Member*: "Take their word for it!") That is the real position in which they place us. Sir, if the Tariff Board, or a Select Committee, as suggested by my friend; Dr. Ziauddin, were to make an inquiry, they would have the opportunity of examining witnesses who have knowledge of the matter—because knowledge of the country's business is not confined to half a dozen men, but there are other men also who can speak with authority on the subject. Sir, are the Government going to turn a deaf ear to us? Look at the very list of the commodities on which India is asked to give preference to England. Their number is 163! It covers all sorts of things,—glue, bedsteads, motor cars, all sorts of things. There is nothing left. Can you not imagine for one moment how vast and extensive are the interests that will be affected? The manufacturers, the traders, the petty shopkeepers, hosts of them will be affected, and surely it is only fair on the part of the Government to give them the opportunity through their representatives to make such representations as they choose how their interests are affected. Sir, we all listened with attention to the speech of my Honourable friend, Sir Joseph Bhore, who is always listened to in this House with respect (Hear, hear), but I was somewhat pained to hear him harp so much on the necessity of avoiding bias and prejudice on this occasion. Sir, I confess I am biased: I am biased against giving preference to Britain's interests over the interests of India. (Here, hear.) That is our bias. What is the bias of my Honourable friend representing the Government over there? So far as his personal inclinations are concerned, we do not know and we do not want to inquire into, but he is a Member of a Government which are subordinate to the British Government. He is their spokesman here. Consciously or unconsciously he has to



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voice the interests of Great Britain in this matter. Now, my friend, Mr. Chetty, has said: "we carefully safeguarded our policy of discriminating protection". In respect of what articles? Our raw materials! (Laughter.) Raw cotton, jute, etc. But what is the protection we want? What is the protection that we may want in future? It is for industries which the resources of this country which, thank God and nature, is really very vast, might enable us to establish in this country and not for our natural products. Is there anything left out of the list of preference to Britain? If we are to give preference on all these articles, then vast interests will be created; and, situated as we are, would it be possible for us on six months' notice to get rid of these preferences?

**Diwan Bahadur T. Rangachariar:** They can be got rid of by the new Government!

**Sir Abdur Rahim:** The new Government? I do not know what that will be like. But I do not share the optimism of my friend, Diwan Bahadur Rangachariar and other speakers on my right, that we are going to be full masters of our own destiny. I do not believe that. (*Diwan Bahadur T. Rangachariar:* "Neither do I.") Sir, I may be permitted to say at once, if I may express an opinion, that I doubt if the future Assembly will be any more effective, or will be even as much, or as little, effective as this one. A friend says, the Princes will be there. I do not know what elements will be there, but whatever Government will be here in the future, they will be so well protected that we shall be able to make no impression on them whatsoever.

Sir, one word as to discriminating protection. I think one of the speakers on this side thought that it meant that there might be discrimination in favour of Britain. I am sure, Sir, that is not what was intended in your famous Report in the Fiscal Commission, nor is it the natural meaning of those words. Discriminating protection means that we would only protect those industries which will be of benefit to the country and which have a fair chance of growing and establishing themselves. It means nothing else. I find that something is made in the Delegation's report of the two cases in which preference was given to Britain,—cotton goods and steel. Well, we also know the history,—how that was brought about. If we did not agree to give preference to British steel and cotton goods, then the struggling Tata industry would get no protection and the Bombay mills represented by my Honourable friend, Mr. Mody, here would have equally suffered. So it was in the nature of a bargain. It was no foundation for a preferential policy. Sir, as the Honourable Sir Joseph Blore told the House, our fiscal policy has always been free trade, with protection to such industries as are suitable to this country and will be of benefit to the country. As regards the Supplementary Agreement in respect of iron and steel, a suggestion which was made or rather a fear was expressed on this side of the House that the policy of this Trade Agreement was to relegate India for ever or at least for as long as it can be managed, to a position where it will export raw materials and manufacture unfinished crude articles, to be finished by the manufacturers of Britain. Dr. Meek repudiated that suggestion, but let me refer here

to the speech of Mr. Baldwin, the Leader of the British Delegation. Let us see what he says. On page 52 of the Report he says:

"If the industrial associations in the various Empire countries will take the initiative, as some of them are already doing, in dividing up Empire markets, so that each country may concentrate on those branches of production for these markets for which it is specially fitted by its local conditions, they open up the way for their Governments to help them effectively by giving substantial preferences in those classes of goods which by agreement are not being manufactured by their own people."

I say that is the aim in view so far as India is concerned. It is not the aim which they have in view now for the first time, but it is the aim which they had in view for a long time indeed. So, the fears which have been expressed on this side of the House in connection with the Agreement regarding iron and steel are not at all unfounded. And, Sir, the very formidable list of articles on which we have to give preference shows clearly which way the wind blows. That is the real drift of the economic policy of Great Britain regarding India.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): May I just say one word, Sir? On page 192 of the report on Sea-borne Trade for September, 1932, we find that in the case of pig-iron and pig-lead, though our export to United Kingdom has increased, our export, taking all the countries together, has substantially diminished.

**Sir Abdur Rahim**: Then, Dr. Meek, in dealing with the Import Duties Act, rightly points out that it has been in force for eight months and he has suggested, though in a somewhat bated breath, that during these eight months India has done better business with England than before. Sir, whatever might have been the state of export to England during those eight months, I wish to point out to the House what Sir George Seluster says as to what has been the economic position as a whole so far as India is concerned during the six months before last September when he was making his speech at the Ottawa Conference. He points out that India always had a favourable balance of trade, that this was absolutely necessary having regard to the fact that India is a debtor country heavily in debts to England and whose debt service is one of the two mill-stones round her neck, the other being the military expenditure. Then he states:

"Yet we are now faced with a heavy unfavourable balance of trade."

That is his statement and, I am sure, the Government will not dispute it.

Sir, it has been admitted by Sir Joseph Blore that the 15th November is no longer a crucial date and, from newspapers, it appears that England is preparing for a World Conference on the economic and financial position to find out how to regulate the prices and how to regulate International Currency. Sir, the British Government have fully realised, as the Prime Minister said only the other day, that it is essential if the world is to recover economically that this must be done by agreement among all the nations. Empire nations alone will not suffice, but there must be an agreement among all the nations. And who can tell what the outcome of such a conference will be? Is it to be suggested for one moment that this Trade Agreement between India and England alone will stand? Of course, India is helpless; she can be tied down to this Agreement, however injurious it may be to her economic interests. That is another matter, but the chances are that the World Conference, when it comes

[Sir Abdur Rahim.]

about and when after discussing matters it comes to an agreed conclusion, it may very largely alter the Ottawa Agreement. There may be no question then merely of preferences between the countries within the Empire or the most-favoured-nations treaties. It is at the World Conference, Sir, the solution must be found and, I think, it would be folly on our part, before we really know what the actual world situation is and what will be the outcome of that Conference, to enter hastily into an Agreement like this. Mr. Chetty in his eloquent and able speech omitted to point out what will be the effect of these preferences on the revenues of the Government. Sir, all those who have dealt with the matter think that there must be a substantial addition to the Customs duties in consequence of this Agreement, in which case the consumers have to suffer or lowering of tariffs in which case the revenues will suffer. Sir, in dealing with trade matters, one is often apt to overlook the interest of the consumers, but it is the consumers who after all form the great majority of the people. What will be the effect on the consumers? The effect on the consumers is bound to be that there will be rise in prices and to that extent the public of India is bound to suffer. I believe every Honourable Member has read with care the speeches delivered by Sir George Schuster and by Sir Henry Strakosch. Reading Sir George Schuster's speech, it seems to me that he at least was not an enthusiastic supporter of such an Agreement. Nowhere in his speech does he say in so many words that it would improve the financial position of India or improve the economic lot of the people.

**The Honourable Sir Alan Parsons** (Finance Member): As Sir George Schuster is not here, may I explain that the speech to which my Honourable friend is referring was made long before this Agreement was reached.

**Sir Abdur Rahim**: Just so and I dare say, when Sir George Schuster comes back to India, he will thoroughly be convinced of the soundness of this Agreement. I have not the least doubt about that. Sir George Schuster was then speaking in a freer atmosphere and he had to tell the British people what the financial and economic position of the poor wretched people of this country was. Here his lips will be sealed. Sir, only one word more about the suggested Tariff Board enquiry. The Fiscal Commission said that there ought to be an enquiry by the Tariff Board if new preferences were proposed. I wish also to draw attention of the House just to one passage in the Report of my Honourable friend, Mr. Chetty, where he says that they also are conscious that this question must be decided by the Legislature in accordance with Indian opinion. Sir, if the question is to be decided in accordance with Indian opinion, where is then the case for this Agreement? Is it not a fact that Indian opinion, as has been expressed so far, is entirely opposed to this Agreement. It is so unanimous and so strong that even the Honourable Sir Joseph Bore had to suggest bias and prejudice and Mr. Chetty called it dishonest. Sir, if Indian opinion is dishonest, we are all dishonest.

**Mr. R. K. Shanmukham Chetty**: I did not say Indian opinion was dishonest. What I said was that the figures given by a particular gentleman were dishonest and I still maintain that view.

**Sir Abdur Rahim**: The particular Professor in question was only voicing Indian opinion. He is only one of the many men who have condemned

this Agreement. In conclusion, I will only say this, if Government have any respect for their pledges and for the convention which they themselves have been party to, then they must leave this question to be decided entirely by the Legislature in accordance with public opinion. Will not Mr. Chetty vote for this? All that we want is, we want to consult public opinion as far as we can. Is Mr. Chetty going to vote against an enquiry by the Tariff Board or by a Committee of this House? I submit, the Government ought to support one of the amendments and that is the least they can do. (Applause.)

**The Honourable Sir Alan Parsons:** Sir, if I intervene in this debate it is not to retrace ground which has already been fully covered by my Honourable Colleague, the Commerce Member, and by Mr. Chetty, or to argue on the benefits which India will receive from a ratification of this Agreement, convinced though I am that the benefits are large, are so substantial that there should be no hesitation in any quarter of the House in ratifying the Agreement. If I intervene now, it is to deal with one definite issue, an issue of very considerable importance, an issue which was raised among others by my Honourable friend, Sir Abdur Rahim, and I think also my old friend, Mr. Rangachariar, whom we are all glad to see here again. They have attempted to impale Government on the horns of a dilemma, a dilemma which, I think, can fairly be stated in the following way. If the preferences given to Great Britain are given by lowering our existing tariffs on British goods, the Customs revenue will suffer a severe decline which we cannot afford, and which will involve additional taxation in order to balance our Budget. If, on the other hand, preferences are given by raising the tariffs on non-British goods, the cost of these goods to the consumer, already over-burdened in this country, will be materially raised, the consumer will suffer and there is no reason why he should be made to suffer.

Now, I think it is clear from the speech which Sir George Schuster made at Ottawa to which my Honourable friend referred and with which, if I may say so, the Government of India are in entire agreement, that the interests of the consumer are not absent from the minds of those on these Benches and I can assure the House that when they see the detailed proposals which will be laid before them in the Bill, if the House passes my Honourable Colleague's motion, they will see that those interests have been carefully borne in mind. Equally, and here I speak perhaps with even more personal conviction, we are unable to overlook the possible effect of any tariff changes on our revenues. We are not in a position to afford a large reduction in our Customs receipts. But it does not follow from that that we are in any way on the horns of a dilemma. Neither my Honourable friend, Sir Abdur Rahim, nor my Honourable friend, Mr. Jadhav, nor Mr. Aggarwal nor even Mr. Rangachariar appeared to recognise that there is a third course. It is possible not solely to lower your tariffs or solely to raise them; it is possible to give this ten per cent. preference partly by a reduction of the present duty on British goods and partly by increasing the duties on non-British goods. It is, of course, impossible to give absolutely exact figures of the effect on our revenues of the proposals which will, if my Honourable Colleague is permitted by the House to introduce his Bill by passing this Resolution, be laid before the House. I can only say that I have had it worked out by the experts of the Central Board of Revenue as carefully as possible,

[Sir Alan Parsons.]

and based on the estimates of the current year it is as follows. If the duties we propose had been in force throughout this year, the reduction in our Customs revenue would have been entirely unsubstantial; I am unable to say quite definitely whether in the estimates we should have had a reduction of three lakhs or an increase of three lakhs. Therefore, I think the House may take it on the basis of as fair and as honest an estimate as we can make, that, in considering this question, they need not consider that ratification is likely to affect our revenues adversely.

Nor, if I may say so, do I see any likelihood myself that it will in any way adversely affect the consumer. I should like to deal at a little greater length with this matter. It was raised, I understand, by my Honourable friend, Dr. Ziauddin Ahmad, at a time when I was unfortunately not in the House owing to urgent business elsewhere. I understand, he asked what would be, in the opinion of Government, the effect of this Agreement on commodity prices. I know he will agree with me in realising the difficulty of analysing the exact effect of an Agreement of this kind on commodity prices in this country, but as far as the consumer is concerned.—I am speaking largely of the agriculturist—to the extent to which the preferences which we propose to give to British goods are given by lowering the present duties, I think we may assume that there will be a tendency for the prices of those imported goods to fall. On the other hand the preferences which Great Britain gives to India under the terms of the proposed Agreement, if they do what they are devised to do, and increase the demand for India's produce, are likely to have a tendency to raise the prices of that produce in this country. Therefore, in my opinion the effect of this Agreement will be exactly what Sir George Schuster was arguing for in the speech to which reference has been made in which he pointed out how the fall in the prices of the primary products of this country had hit the agriculturist and that he had been further hit by the fact that the fall in the prices of the articles which he ordinarily has to buy had been much less than the fall in the prices of the produce which he has to sell. In my opinion, the effect of this Agreement, so far as it has any effect in an alteration of the price level, will be exactly in the direction of remedying that defect in our present economic structure.

**Seth Haji Abdoola Haroon** (Sind: Muhammadan Rural): Sir, I rise to support the Resolution moved by the Honourable the Commerce Member. I am not supporting the Resolution because I have already signed the Agreement. I have seen great opposition to it from different quarters and for the last three days, I have been hearing many arguments in opposition to it. But, after hearing them, I am glad to say that they did not convince me that I have done any wrong to my country. Sir, I will not repeat each and every item of the Agreement as my friend, Mr. Chetty, has already done that very clearly. But so far as the opposition from this side of the House is concerned, they have two arguments. One is that the Delegation was not of a representative character and, secondly, that we have granted preference. I find that they object to the word "preference". Sir, regarding the Delegation, I will say that I have been there and I have seen that all the Dominions sent their Delegations which consisted of officials or Ministers or their departmental representatives. I know that those Dominions have Self-Government and are responsible to the people. But in the present circumstances and the constitution of

the Government of India, there could not have been a better Delegation than the one which was sent. If, like the Dominions, the Government of India had sent only their officials, there would have been great opposition. So the Government of India, in my opinion, did their best in selecting their Delegation. They might have been officials at one time, but they are now retired and no longer in Government service and they know the subject perfectly well. Sir Atul Chatterjee, who acted as the High Commissioner for India, knows India's trade position perfectly well and the late Commerce Member, Sir George Rainy, also knows India's trade position very well. Side by side they appointed Sir Padamji Ginwala who had acted for seven years as Chairman of the Tariff Board. Besides that, Government selected two non-official elected Members from the Assembly, two big opposite parties, one being myself and the other my friend, Mr. Chetty. In the present constitution, I do not see how the Government of India could have sent a better Delegation than the one they did. Sir, just now the Leader of my Party said that the Indian Delegation were packed in London and they had not the same facility as the other Dominions had. Sir, all the Delegates who had been appointed at that time happened to be in London and I do not think they would have been able to come here and go back for the Conference in time. Therefore, we met there and discussed all the points for seven weeks.

Now, I come to the amendments. These amendments do not seek to throw out the Agreement, but they want to have a Committee to discuss whether the Agreement has done any harm to India or not, and on whose report they will be able to come to a proper decision. Sir, I may say at once that in spite of so much opposition, during the last three weeks, no one has been able to point to any special Article in the Agreement to show that we have neglected India's interests. Of course I find Mr. Jadhav, supported by Diwan Bahadur Rangachariar, saying that the aluminium and soap industries will suffer by this Agreement. It may be so; I cannot deny that and I cannot say that these might not suffer; but when the Finance Bill comes before the House and when you appoint a Select Committee, you have to bring all these points, side by side, from whatever quarter these may come; we have to consider all that and if we find that in any way India is suffering from giving these preferences, we might delete those items from preference or we might tell the British Government that according to the Agreement we have already made with you, if in any way any Indian industry is to suffer, we have a right to cancel that item . . . . .

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): So you are supporting the amendment?

**Seth Haji Abdoola Haroon**: I have already told my friend that I am supporting the Resolution which has been moved by the Honourable the Commerce Member.

**Mr. K. Ahmed**: How are you going to verify the facts and figures that you want to consider now?

**Seth Haji Abdoola Haroon**: Today I find that only on account of the word "preference" the whole country and the whole Assembly are terrified at the word.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhammadan): Then you realise that the whole country is against you?

**Seth Haji Abdoola Haroon**: Only in the name; but without expressing preference on what articles. At present, whatever opposition is coming comes from a quarter for which something already has been said in this House. I do not want to repeat it. But I must say that those, who are opposing this Agreement, are not interested much in this Agreement. I want to say that this is a two-sided Agreement. One is that some goods are imported from the United Kingdom on which we have given preference. Every one is opposing the word "preference" and why we have given that, but they are not looking to the other side of the Agreement in which we also got a preference in the United Kingdom, protection. . . .

**An Honourable Member**: Nothing.

**Seth Haji Abdoola Haroon**: Of course you may say, it is nothing to you; but I must tell you that the cultivators and the producers, who are interested in this subject, have no organisation or voice to support the Agreement. If you go through the side of export, you will find that preference, which we got in the Agreement for Indian exports, has very little interest for the Bombay people. If you go through the list, you will find rice. There is some preference which might be understood in Burma or perhaps in Bengal—no, in Bihar . . . .

**Mr. S. O. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Bengal, not Bihar.

**Seth Haji Abdoola Haroon**: There is the famous Patna rice: of course you may neglect it, because you are not representing the rice merchants here and, therefore, you are not understanding the point. Then we find all sorts of things, if we go through the list. Do you not think India at present is improving in the oil industry and, lately, the Agricultural Department has already formed an oil committee to increase the industry in India; but, of course, you are not interested much in that and the industry itself is not represented and so they have not agitated against those who are against the Agreement itself. About tea, everything has been said. You may say, as regards manufactured jute, that this belongs to European capital in Calcutta and that there is very little of Indian capital in it. But £2½ millions worth of manufactured jute are imported into the United Kingdom; and, while I was in London, I have seen the Dundee interests trying their level best that we should not get that 20 per cent. preference which is already imposed by the United Kingdom for the import of jute bags and cloth; they want that India also should be put to a 20 per cent. duty on jute cloth and gunnies. Of course you cannot consider that point also although the value of these goods are worth £2½ millions. There are many other things besides, but I do not want to take up your time over them; but I must say that as regards these oil seeds produced in Bihar and groundnuts produced in Madras, the chief thing is that the whole of the export trade of India is mostly in European hands . . . .

**Dr. Ziauddin Ahmad**: May I rise to point out that during the last six months this tariff has been in operation, our export to the United Kingdom has substantially increased from 22,000 to 96,000, but our export as a whole has diminished from 1,115,000 to 1,028,000 only?

**Mr. R. K. Shanmukham Chetty:** The preference has not yet come into operation.

**Dr. Ziauddin Ahmad:** Then no protection is needed.

**Seth Haji Abdoola Haroon:** If my friend, Dr. Ziauddin, is putting forward any figures, I have not understood them at all. But you know already that at present there is the depression in trade and side by side the prices of the commodities have gone down and it may be so as Dr. Ziauddin has said. But you are not at all thinking about your exports to other countries. You say that we are Indians, we have got our raw materials, we have got our raw produce and so the United Kingdom or any foreign country is bound to take it; you may be right in saying so a few years back; but today the competition, all over the world, is very keen and every country is trying to produce every sort of thing. Therefore you should not be indifferent to your export; you have to consider that point very seriously. It is said that India is exporting very little percentage to the United Kingdom. We are exporting large quantities of

raw materials to other countries, and there is no doubt about it.

**4 P.M.** I find that today our total exports to the United Kingdom and the Dominions come to nearly 37 per cent. and 63 per cent. to other foreign countries. The position of India today is the same as that of the other Dominions like Australia or Canada. Whatever goods Canada and Australia are producing are not all consumed in the United Kingdom. Hardly 25 per cent., is consumed by the United Kingdom, and, for the balance of 75 per cent., they have to look to foreign markets. Even under such circumstances these Dominions have thought it advisable to enter into Agreements with the Britishers, so that they might improve their exports to the United Kingdom. If Honourable Members do not want to ratify this Agreement, if the Assembly wants to throw out this Agreement, if the country is not in favour of this Agreement, I am afraid they are playing with fire, because if, on the 37 per cent. of our exports to the United Kingdom and the Dominions, they put, according to their Tariff Act, say 20 or 15 or even 10 per cent. duty, what will be the effect on our export trade? This is a matter which we should seriously consider before attempting to throw out this Agreement. No doubt, Professors of Economics can make prophecies that by this Agreement India will not gain anything, that India will have to lose heavily, and so on and so forth. In support of their arguments, they have also adduced certain figures, but, as a businessman, I cannot say what effect, according to the figures quoted by these economists, there will be if this Agreement is accepted. Sir, I am always very cautious. The world is changing so rapidly that nobody can afford to indulge in any prophecy. During the last three years we have been reading a good many prophecies by many economists and writers in England, Germany and America and almost every one of them said that on account of President Hoover's Moratorium or the Lausanne Conference or the Ottawa Conference business will increase enormously and prices will go up, but what is our own experience? All these prophecies have proved false. At the same time, I do not, for one moment, say that if we pass this Ottawa Agreement, rivers of milk or honey will flow in our country: nothing of the sort; but I would only ask Honourable Members, that before they throw out this Agreement, to very seriously and calmly consider the effect of their action, and that they should not throw out this Agreement merely because of a certain agitation that has been set up by some theoretical economists. If Honourable



[Seth Haji Abdoola Haroon.]

Members will go through the Agreement carefully, they will see what India has gained and what she has lost; it will be seen from the Agreement that we have given preference for 17 million pounds worth of goods imported into India, while we have got preference for 42 million pounds worth of goods which we are exporting to the United Kingdom, and I do not know why Honourable Members are not satisfied even after gaining so much. I am sorry that nobody has pointed out in what way India will suffer industrially or in other ways by the acceptance of this Agreement. With these words I support the Resolution.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, I wish to speak a few words in support of the amendment moved by my friend, Dr. Ziauddin Ahmad, and so ably supported by others on this side. In doing so, Sir, I wish to confine myself to the more salient aspects of the question without entering into any details. Sir, I must confess I am unequal to the task of doing any justice to the several momentous issues involved in this Resolution, but I am struck with one thing, which I consider to be unique. It is very significant that throughout the length and breadth of this country, from Cape Comorin to the Himalayas, and from Karachi to Calcutta, there is not one single individual who has approved of this Agreement, nor do I know of any public body or association or newspaper which has supported it. It is, therefore, a very onerous task for us, laymen Members of the Assembly, to be called upon to give our votes. That is one of the main reasons why I suggest that this matter should be referred to a Committee composed of Members of this Assembly and of experts who are competent to advise us.

Now, let us consider why this Ottawa Conference was called. After the war, conditions in England became intolerable. There was heavy adverse balance of trade, the economic distress became very acute, and the national budget had to be balanced. The unemployment question also assumed such prominence that remedies had to be devised for all these. Conditions in India at present are precisely similar to those that obtained in England. Our adverse balance of trade is assuming large proportions. According to the statement made by the Honourable Sir George Schuster and published in page 66 of the Report, during the first three months of the financial year, there was an unfavourable balance of nearly seven crores of rupees in trade. Therefore, if we go on the basis of that period, we are bound to be faced with a deficit of nearly 28 crores of rupees in trade balance as compared with a normal favourable balance of 80 crores. Our annual commitment to England is nearly 30 million pounds, and over and above that, we want for other payments another 7½ millions or a total of roughly 50 crores. This amount used to be practically made up by the increase of exports over imports. The prospect cannot be gloomier. Therefore, our viewpoint and the sole criterion in judging the merits of this Agreement as has been that of the United Kingdom should be this—what is it that we stand to gain? So far as England is concerned, she has decidedly gained some advantage. The Liberal Ministers in their letter of resignation admit that, so far as England is concerned in the Agreement with India, they have gained something. They say: "Certain advantages have been secured in India", but I ask, what is the advantage that India has gained? The report is significantly silent on that point.

Sir, if effect is given to the proposals contained in the Agreement, it is anticipated that there will be a reduction of about Rs. three crores in the Customs receipts for the ensuing year. I would like to know how that is going to be made good. It must be made good either by fresh taxation or by the imposition of additional tariffs on foreign imports. India is already heavily taxed, and fresh taxation is out of the question. The ryots are in such a deplorable plight that their very existence has become impossible. The commodity prices of export articles have practically been reduced to half, while the index number of prices of import articles has come down only by 13 per cent. In other words, the ryot gets only half the price on his produces while he has to pay almost the same price for his elementary wants. As a matter of fact, I know even the richer class of ryots in the villages find it difficult to pay the land assessment and other taxes with their income. What means have they for their food and for the purchase of the other necessities of life? Under such circumstances it would be suicidal to make him to pay more for his ordinary wants by improving higher tariffs. The share of the United Kingdom in our imports is only 35.5 of the total. The rest is in the hands of foreign countries. Is it worth while in the interests of the consumer and the welfare of the country to estrange them? Is it that we should decide. In my humble opinion, it is impossible to realise at present the economic repercussions such a policy would bring in its train and the effects of retaliation if they, in their turn to safeguard their own interests, decide to adopt. We cannot lose sight of another aspect of the question; *viz.*, that this preferential tariff would jeopardise the growth of our infant industries. Of course the case of the two of the most important industries, cotton and steel, have been held over, but there are many minor industries, such as the manufacture of soaps, paper, chemicals, drugs, aluminium and other metals. The protection, that is now given to these and other industries, will be practically nugatory. I, therefore, feel that we must think twice before we ratify this Agreement.

One word more and I have done. One vital point has been left out. In page 68 of the Report, there is a statement made by Sir Henry Strakosch, in which he says categorically:

"And finally any system of Empire preference would be quite ineffective if sterling prices were to fall below their present level."

He goes on to say in the next paragraph:

"The conclusion to be drawn from this cursory survey is clearly that to make the aims of the Ottawa Conference attainable it is indispensable."

—Sir, I should like that due attention should be paid to the following part of his statement—

"—that pending the re-establishment of a stable international monetary standard the Empire countries should, as far as possible, adopt a common standard of value and that the wholesale level of prices in terms of that common standard should be raised to a point at which an equilibrium is re-established between costs and that level of prices."

This, Sir, I consider, is the crux of the question, and, no attempt seems to have been made to its solution. Of course, I find in the Summary of Proceedings that was issued to us that the importance of this question was recognised, but, beyond a pious wish, no definite decision was arrived

[Mr K. P. Thampan.]

at. Without a stable currency, I am sure, no results can be achieved, and I consider that the whole question has to be gone into by people who are competent to do so and advise us in the matter.

**Mr. B. O. Burt** (Government of India: Nominated Official): With the permission of the House I should like to offer a few remarks on the Ottawa Agreement as it affects our agriculture and as it affects our agriculturists. The last speaker referred to our adverse trade balance. Indeed several other speakers referred to our adverse trade balance, but I do not think that it was mentioned that the chief cause is the contraction of our exports. Now, Sir, the contraction of India's exports of agricultural produce is a thing which has been giving us anxiety for some years. It is also a matter which has been causing anxiety throughout the world, and one of the great objects at Ottawa was to see whether it was possible to do anything within the Empire to promote the purchases by the United Kingdom of a larger portion of her requirements of agricultural and other natural products within the Empire.

Now, viewed purely as a business proposition, it seems to me that faced with a fall in our exports the first thing to do was to see whether we could not improve our trade with our biggest single customer. A great deal has been made of the fact that Great Britain takes only something like 25 per cent. of our exports. In actual point of fact, the figures were 22 per cent. five years ago, and 28 per cent. for the last year for which we have figures. She has been taking a steadily increasing share, and, in any case, she is the biggest single customer we have. As a purely business proposition and from the point of view of our primary producers, it was a sound business to see whether we could not develop that market. There was a note of pessimism this morning from one of the two speakers on the opposite benches, who doubted our capacity to supply any additional market which we may get. Several speakers pointed out, quite rightly, that a mere diversion of trade from one market to another cannot benefit us anything. That point was before the Indian Delegation throughout; we examined the proportion of our exports taken by each country for each of our principal commodities. We examined the proportion taken by the United Kingdom from India and from other countries in the Empire, and from foreign countries. We did that in detail for every one of the commodities with which we were concerned. Sir, the Ottawa Agreement represents a definite effort to get a better export market for those commodities where we believe we have a large reserve capacity of production. Linseed was mentioned this morning; it is one of the clearest cases of all. But we know that in regard to all our primary products, India has a large reserve capacity. The criticism which has been made in the Provincial Councils, during the last two years, of the work of agricultural departments, has been that they have been increasing production without increasing markets. And, Sir, the cry of the agriculturist is that he cannot sell his products,—why he should produce more wheat, why he should produce more groundnuts, why he should produce more linseed when he cannot sell them. And we have seen the contraction in our exports of some of our most valuable products. Now, Sir, this Agreement is an attempt to rectify that.

**Mr. K. Ahmed:** How will you produce larger quantity if the Agreement is confirmed by the Assembly?

**Mr. B. C. Burt:** I will come to that later. Before speaking about one or two agricultural commodities, I would like to make one other point. I hold, as strongly as any speaker on the opposite benches, that the proper development of Indian agriculture involves the development of our industries and especially of those industries which utilise agricultural products. If we look at the preferences granted to India by the United Kingdom under the Ottawa Agreement, what do we find? We find that whereas on primary products the usual preference is ten per cent., on manufactured goods it is 15, 20 and in some cases even higher. Jute, for example, being an Indian monopoly, is on the free list in the United Kingdom, but Jute manufactures get a preference of 20 per cent. Oil-seeds get a preference of ten per cent., Vegetable oils, the manufactured product, a preference of 15 per cent. Hides and skins, raw, are free. Tanned hides and skins, the manufactured products, receive a preference of 15 per cent. Cotton is free. Cotton manufactures from foreign countries pay a duty of 20 per cent. in the United Kingdom, but ours are duty free, and so on. Carpets and rugs and other manufactures get a preference of 20 per cent. I think it is of the greatest importance that the House should realise the real value of clause I of the Agreement. Clause I undertakes that all our produces, with the exception of a small list of articles subject to duties of customs and excise, *i.e.*, such items, as tobacco, will receive free entry into the United Kingdom. Clause I, Sir, includes our manufactures and what have we been asked to give in exchange—only a preference. We have not given free entry to anything. In no case have we even guaranteed a rate of duty on foreign goods. That, Sir, seems to me to entirely dispose of the view that the Agreement is meant to fetter India's industrial development. Had that been the intention, the balance of preference would have been exactly the other way about. Now, Sir, one of the items on which we have a special preference is wheat. Wheat was not subject to duty under the Import Duties Act. It has been free. It is free at the present moment. It will be free until the new duty is put on as a result of the Ottawa Agreements between England with India and the Dominions. Wheat, Sir, is a commodity on which the United Kingdom reluctantly but eventually put on a duty in order to give a preference to the Dominions and to India. The preference is two shillings per quarter which, I may remind the House, is roughly equivalent to four annas per railway maund. We all know that four annas per maund makes all the difference to the grower. It also may make all the difference when competition is keen and decide whether you can get into the export market or not. The Delegation say in their Report that this is a preference which, for the present, affects the Dominions more immediately than India. That is true. So far as we are concerned, this is a preference which is definitely intended to protect our future interests. The House is familiar with the data about wheat and I will not attempt to inflict a number of figures on it. But just to get things in a right perspective, perhaps I may mention the fact that while the Empire wheat production is about 28 million tons, India's production is in the neighbourhood of nine million tons. In a good year, we produce about ten or even 10½ million tons. That, in itself, is a considerable advance on our production even ten years ago. Unlike the two great wheat producing

[Mr. B. C. Burt.]

Dominions, we consume something like 90 or 95 per cent. of our wheat and our exportable surplus is variable. But I notice that in 1924-25 when we had a little more than an average good crop, and when world conditions were not so disturbed as at present, we exported over a million tons, practically the whole of which went to England. Now, England's capacity for importing wheat is over five million tons, indeed 5½ million tons is the average import into the United Kingdom, and there is no reason why India should not in the future have a substantial share in that trade. It is important that we should get that share. At present the world is over full of wheat. Prices are depressed and Indian prices are out of exporting parity, because our consuming market is so large compared to our total production. But that position will not continue indefinitely, and we know that there are cycles in trade and once world prices rise, it is important that India should be able to export wheat on level terms with the rest of the Empire.

**Dr. Ziauddin Ahmad:** Will India be able to compete with Australia and Canada?

**Mr. B. C. Burt:** I am glad the Honourable Member reminded me of that point. The opinion I formed at Ottawa was that so far as permanent and profitable production is concerned, Australia and Canada will be satisfied with no less a figure than would satisfy our own zamindars in the Punjab and the United Provinces. I find that the general opinion amongst zamindars is that Rs. 3 per maund is about the limit and when wheat falls below that, they feel the pinch. The figures which were given to us show that the rates at which farmers can continue to produce wheat in Canada and Australia run very close indeed to ours—the difference is only an anna or two. The question may be asked, whether we shall not continue to eat most of our wheat. We have to bear in mind that in Sind we have a large area coming under perennial irrigation and especially if you take into consideration some of the new canal areas in the Punjab, which are not yet fully developed, that will give us at least an additional two million acres of wheat and there is likely to be surplus of a million tons. (Mr. K. Ahmed: "That will be after six months.") When that time comes, we should be able to export wheat on level terms with Canada and Australia and the rest of the Empire and the preference of four annas a maund should serve substantially to help us in that direction.

I would like to mention another primary product, one, on which we have not got a preference and that is cotton. There has been a certain amount of misunderstanding about the position here. It has been stated for example that India's own mills will require the whole of her "long" staple cotton. That statement, as it stands, is true, but the implication which has been drawn from it is not correct. India has an exportable surplus of certain kinds of medium staple cotton which the United Kingdom can use. That was definitely admitted to us by the Lancashire cotton trade representatives with whom we discussed the matter. I think, Sir, if we classify "cotton" as short, medium and long staple cotton, as is done now by many people in the United Kingdom, we shall see the position more clearly. Of the short staple cotton we have an abundant, an over-abundant, supply and a very large surplus which we must export. Of that, the United

Kingdom takes a certain amount, but it is practically a fixed amount, and it varies very little. Then we come to the very big class medium— $\frac{7}{8}$ ths of an inch in staple up to an inch or even an inch and an eighth—and then to the long staple cotton, which is generally assumed to begin with an inch and an eighth. Of the longest staple cotton, we very definitely have a shortage, but of medium staple cotton a surplus. For example, the Punjab produces something like 250,000 to 300,000 bales of Punjab American cotton. That cotton in a normal year is largely an export cotton. At least a half of it, and sometimes three-quarters, is exported. Another cotton similar to is Dharwar-American, with a production of 150,000 bales a year. Then we come to the Tinnevely and Karunganni cottons in Madras. Those, again, are largely export cottons. These are medium staple cottons and they find a place both in Europe and England. Our production of such cotton is steadily increasing. Then there are other cottons of which our supply is not always adequate.

**Diwan Bahadur T. Rangachariar:** May I ask the Honourable Member, Sir, if you will permit me, this question? If England takes largely the short staple cotton, will there not be a competition between the manufacturer of goods in Lancashire and India?

**Mr. B. C. Burt:** What I am suggesting, Sir, is that she should take more medium staple cotton and use it for cloth intended for those markets in which India does not compete.

There is one more point, and that is that the figures published in Messrs. Vakil and Munshi's pamphlet regarding cotton imports are misleading, because they do not go quite far enough back. The four years' figures quoted would lead one to the conclusion that India is steadily importing more and more foreign cotton. Well, if we go two years further back than the years taken by Messrs. Vakil and Munshi, we find that there was an import of 474,000 bales of cotton in 1926-27, which is as high as anything which has occurred in any year except the very last. Of that, nearly the whole was American cotton. It was not long staple but medium, and it was taken because there was a singularly short crop of medium cotton. Sir, I have spent many years on attempts to improve Indian cotton production and I will admit at once that the best market for Indian cotton is in the Indian mills. That is the Indian cotton growers' safest market at all times and it is of the greatest importance that our cotton production should be correctly balanced, so that our mills may get the supplies that they need; but, even looking at the matter from their point of view, instead of from that of the cotton growers, it is essential that we should have in an average year an exportable surplus if the mills are to have even in a bad year the supplies of medium staple cotton which they require. It is not always that a bad crop in India corresponds to a bumper crop with low prices in America. Now I shall mention one more point and that very briefly indeed. Reference has already been made to our oilseeds and Mr. Chetty referred to our vegetable oils, and I, Sir, would here refer to the great advantage of the preference we have for groundnuts. The groundnut crop is one, the production of which had steadily increased in India until two years ago and then there was a definite check due to the fall in prices. It is a crop which the agriculturist likes, because it is a good rotation crop, that is, it increases the yield of the crop which follows it, and it

[Mr. B. C. Burt.]

is of great economic value to the country. Now we are in close competition with other countries in the production of groundnuts. We are the world's biggest single producer, but we only account for roughly 55 per cent. of the world's production. In the United Kingdom, we are in close competition with groundnuts from West Africa, both from British Colonies and from French territory, and there is a very substantial foreign market to capture. Further, in regard to the preference on groundnuts and also on castor and the free entry which we have from our other oil-seeds, it is necessary to remember that the prices of all these oilseeds react on each other and that if we were to fail to get the preferences which the Colonial producers receive, we should be hopelessly out of the running in the United Kingdom market. (Loud Applause.)

**Mr. D. K. Lahiri Chaudhury** (Bengal: Landholders): Mr. President, this is a most historical occasion when I find great enthusiasm in the Treasury Benches for making a number of speeches and when I find my European friends supporting so whole-heartedly the speech which was made by my Honourable and esteemed friend, Mr. Shanmukham Chetty. It was really a most interesting speech which was delivered by my friend, Mr. Chetty, especially where he wanted to develop the arguments in favour of expansion of trade and not divergence of trade which he is bound to explain as a member of the Delegation which went to Ottawa. Now, when he was making out his case, whether, for want of time or something else I do not know, he could not at all develop whether this Agreement will really help India to her expansion of trade or divergence of trade. I was watching with keen interest as to how much applause he got from this side of the House,—and I found that of the cheers which he received, not a single one came from this side, but that all the cheers were from the European Group and the Treasury Benches. (An Honourable Member: "Shame, shame.") Thank you, Mr. James, who calls for shame. So, as a man, who claims really to have only a little commonsense and not much of experience in the field of economics like the learned Professors mentioned by my friend, Mr. Chetty, what I want to say is that the question which has been dealt with on the floor of this House is of such great importance that any hasty decision will be disastrous to this country. Now, there is a Bengali proverb which says:

*"Mayer chéyé basté dhālo tākéy baléy dāin."*

It means, whenever you find that any lady's love for the child is more than that of the mother, that lady is regarded to be a witch. (Laughter.) The same is the case with Mr. James and his colleagues who pose to be the friends, greater friends of this country than ourselves in this matter. (Laughter.) Now I come to my Honourable friend, Haji Abdoola Haroon, who may or may not have the same experience of developing the industries as Mr. Chetty has, but what I clearly think is that if the arguments in favour of the motion are those used a few minutes back by my friend, in his most inaugural address in this House, and the manner of their presentation is such as he adopted, and if the same method was adopted in putting arguments forward to the Ottawa Conference, then I do not know how much Mr. Stanley Baldwin or my friend, Mr. Chetty, or any other member of the Delegations from any

other Dominions would have appreciated the arguments put forward. Still my friends over there on the Treasury Benches say that the representation on the Delegation to Ottawa was marvellous and was of a truly representative character. My friend, Mr. Chetty, also in his speech referred to the report of the Federation of Chambers of Commerce when they complained of the personnel of the Delegation which was not well represented. Sir, this is a fact which can not be denied and this fact has amply been proved by a colleague of Mr. Chetty on the floor of the House whose knowledge of these things is beyond question.

As regards raw cotton, I will just like to mention a few facts. I have received some opinions from the President of the Bengal National Chamber of Commerce. He is not a learned Professor, but he is a self-made man and has built up his character by dint of his own efforts and experience. His name is Nalini Ranjan Sarkar. He is a man who commands the respect of every Bengali. Let me read, Sir, a few portions from his note which I have only just received. I am sure, his remarks will not be challenged either by my friend, Mr. Chetty, or by the Members on the Treasury Benches. He says:

"The underlying assumption of Imperial Preference, that Empire products, both primary and secondary, could in fact be deflected from their present foreign market to Empire without any economic loss being entailed, ignores many important factors.

In the first place, Indian cotton, being of very short staple, is unsuitable for Lancashire. The change of organisation that would be necessary in order to utilise it would involve heavy expenditure and would also create considerable difficulties in Britain's export market for cotton goods. The inferior cotton goods that would have to be manufactured out of Indian short-stapled raw cotton would have to be sold exclusively in markets like India and China. By selling to Lancashire and encouraging her to use cheaper Indian and inferior staple cotton, we would really be also encouraging her to weave lower counts and compete more largely with Indian cotton mills. It would in effect widen the range of competition between British and Indian cotton goods. It would be suicidal. Japanese competition with India is largely made possible by the very use of cheaper Indian raw cotton of shorter staple. At present, in the lower counts and in coarser goods competition from British is not very keen; but if, by a tariff preference, she were encouraged to use inferior cotton and make a larger proportion of coarser goods, we shall soon be witnessing increased competition from that direction."

It is a very interesting thing and, at the same time, it is a very cogent argument on behalf of the raw cotton. Further on, he goes on to say:

"Another important question is whether Indian raw cotton is in need of a larger market in Britain."

That is a serious thing to be considered. Then he gives the figures which are very interesting. With your permission, Sir, I shall take the liberty of quoting a few figures:

*"Consumption of Indian Raw Cotton in Indian Mills.*

	(In bales of 400 lbs.).	/
1928-29 . . . . .		1·764 million.
1929-30 . . . . .		2·248 "
1930-31 . . . . .		2·266 "
1931-32 . . . . .		2·341 "

No doubt for long years to come Indian raw cotton would have to depend largely upon export markets. In 1930-31 nearly twice as much Indian cotton was exported as was used in the Indian mills. But the possibility of Britain taking in the immediate future anything more than a very small proportion of our exports of raw cotton should be heavily discounted."



[Mr. D. K. Lahiri Chaudhury.]

He also further goes on to say:

"The following figures are impressive:

*Indian Exports of Raw Cotton.*

(In thousands of Bales of 400 lbs.)

	1929-30.	1930-31.	1931-32.
U. K. . . . .	270	281	164
Japan . . . . .	1,640	1,686	1,080

In 1930-31 and 1931-32, Britain purchased the negligible proportion of seven per cent. of our exports of raw cotton."

The above figures show how the imposition of preferences on Indian cotton will benefit the raw cotton in England.

Now, what I wish to impress upon the House is this that as this is a matter of vital importance to the country, we should wait and see what the advice of the experts is going to be. You, Sir, yourself were good enough to point out, while you were on the Royal Commission, how far it will be practical and advisable to accept the preferences. In the case of the Dominions, the Delegates who went to attend the Ottawa Conference discussed amongst themselves and with the experts all those important questions which were to be put before the Conference, but the Indian Delegation went there without having any knowledge of these subjects. Of course, my friend, Mr. Chetty, has already got a great experience of economics and commerce and industry. He has already said that to err is human and errors of judgment may have been committed. Let us, therefore, discuss the matter dispassionately and most calmly and let us also whole-heartedly invite the advice of this House as well as the advice of experts to go into the details of the Ottawa Agreement and then decide the matter according to their advice.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th November, 1932.

## LEGISLATIVE ASSEMBLY.

*Thursday, 10th November, 1932.*

The Assembly met in the Assembly Chamber of the Council House, at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

### RESOLUTION *RE* TRADE AGREEMENT SIGNED AT OTTAWA.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the Resolution and the amendments on the Ottawa Agreement.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, we meet this morning in an atmosphere of great unreality, an unreality enhanced by the fact that only two or three days ago a question was put in the House of Commons as to whether the Government of India's Nominated Members would take part in the division on the Ottawa Agreement and the Secretary of State for India said that he presumed that the Government of India would not depart from the usual practice with regard to Government measures and, then, when Mr. Lansbury asked, if this sort of Agreement ought to be carried by the vote of Nominated Members, Sir Samuel Hoare said that it was the ordinary procedure and, if it was departed from, the Labour Representative would be debarred from voting. Now, Sir, I wish to deal with this aspect of the question presently. I wish to go to the very root of the case and let us see as to who were responsible for making this Agreement, who have made this Agreement and who are called upon to ratify it. Now, it is a well known fact, and my Honourable friends, the occupants of the Treasury Benches will not challenge it, that the Government of India, as at present constituted, are not responsible to this House and through this House to the people of India, and, therefore, they are not the agents of the people of India. If they are agents at all, they are the agents of Parliament, they are the representatives of the Secretary of State who wields powers of supervision, direction and control over all their actions. Consequently when we speak of the Government of India, we are speaking, in the language of Lord Curzon, of a subordinate Government, six thousand miles away. That is the Government that appointed the Delegates to the Ottawa Conference. Now, as regards the Delegates, I do not wish, for one moment, to suggest that if the matter had been brought to the vote of this House, we should not have elected my esteemed friend to my right, Mr. Shanmukham Chetty. But that is not material for the reason that if we had elected Mr. Chetty, he would then have taken his cue and his instructions from his electors, whereas, as a nominee of Government he felt constrained to take his instructions from that Government, and that Government suffers from the fact that it is the Government of a body of men subordinate to Whitehall. Now, this is a unique feature in the constitution

[Sir Hari Singh Gour.]

of this country. But, if it were all, it would be sufficient to show to any fair-minded man that this is not an Agreement which has been entered into on behalf of the people of India. But, as I have said, this is not all. After the Agreement was concluded by our so-called representatives, we are called upon to ratify that Agreement. Now, who are we, is the next question. My Honourable friends on the other side admit that, in the matter of fiscal autonomy, India stands in the same position as the other Self-Governing Dominions of the British Commonwealth. The Joint Parliamentary Committee, in their memorable recommendation, pointed out:

"It can only, therefore, be assured by an acknowledgment of a convention. Whatever be the right fiscal policy for India, for the needs of her consumers as well as for her manufacturers, it is quite clear that she should have the same liberty".

—Honourable Members will please mark the words, "she should have the same liberty", not that the Government of India should have the liberty,— "she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa". (*Hear, hear.*)

That is the constitutional position accorded to India in the matter of fiscal autonomy. Sir, only two years back, when the question of fiscal autonomy was not directly at issue, it was raised on this side of the House, no doubt, but it was as vehemently contended by the Government that the question of Imperial Preference was not the subject-matter of any express or implied consideration in connection with their Bill, known as the Cotton Textile Industry (Protection) Bill. But, nevertheless, in connection with the discussion on that Bill, some of us raised the question as to whether the voting by the official block would be consistent with the principle and policy of fiscal autonomy vouchsafed to India. The then Leader of the House, the Honourable Sir George Rainy, read a considered statement on behalf of the Government of India which will be found printed at pages 2557-58 of the Legislative Assembly Debates, dated the 27th March, 1930. He made a very frank statement and that frank statement was that the Cabinet had decided that so far, in the matter of fiscal autonomy, India should have the completest control. Let me give the House his own words which are found at page 2558. This is what he says:

"The message of the Cabinet,

—meaning the message of the British Cabinet,—

"has made it clear that the convention applies not only to duties imposed for protective purposes, but also to those imposed for revenue purposes, and from the constitutional point of view that would be an intolerable position. In a sound constitution each organ must discharge its appropriate functions, and the function of one cannot, without grave disorganisation, be transferred to another".

Now, the whole question is, whether we, as the organ of public opinion, are to discharge our function or our function is to be discharged by another organ, namely, the organ of the Government of India subordinate to the Secretary of State. The Leader of the House then said:

"What we are all looking forward to in the near future, Mr. President, is a step forward in the path of India's constitutional advancement. If the Conference in London should result, as it might, in placing the control of the tariff in the hands of those who, in one form or another, were responsible to the Legislature, then it would rest with the Member or the Minister to put forward his proposals, and for the Legislature to accept them, to modify them or to reject them".

Having said that, he then turned to what is the present position of the Government of India, and this is what he said:

"But if the Government of India and the Legislature are not in agreement, what then? Is there no means of resolving the deadlock? None. . ."

That, he said, is the present position under the constitution of the Government of India. Then he further asked that if the Government of India have taken the sense of the Legislature and the Legislature overrules the Government of India, what is the position? The result is, that if the Government of India and the Legislature are not in agreement, the power of supervision, direction and control of the Secretary of State would then be restored. The position, therefore, is this, heads I win, tails you lose. If you agree with us, there is an end of the matter; if you do not, then we go to the Secretary of State, and as he will always agree with us, because we have had a previous consultation, we will carry it over your heads. That is the present absurd constitutional position; and, therefore, I say, is there any reality in this debate? Is there any sense in this debate? And when Honourable Members on the other side of the House proclaim that India has to decide whether she, in the exercise of her undoubted power of fiscal autonomy, shall or shall not agree to the Ottawa Agreement, that, I submit, is a statement made and must have been made with the Honourable Members' tongues in their cheeks, because they know full well that so far the fiscal autonomy convention is a mockery and, as Sir George Rainy pointed out, so long as we have no machinery, so long as we have no effective control over the executive for giving effect to that convention, the convention is not merely a matter of form, but it is an idle mockery. That, I submit, is one of the main questions with which we are at the present moment confronted. The Honourable Sir George Rainy, conscious of the defect of the present procedure, said that he would do all he could to give effect to the letter and spirit of the convention. Now, Sir, I ask the Honourable the Commerce Member, and the Leader of the House and his colleagues on the Treasury Benches, are they prepared really to give effect to the spirit of the convention by withdrawing from the vote the official block? Whatever may be said in favour of nominated representatives of special interests, that reason cannot apply to the official block of 26 Members who sit behind the Government Benches. Are they prepared to work this convention as they said they were prepared to do, by leaving this House to exercise its free vote on this question? That is the question which I raise and which I ask the occupants of the Treasury Benches to ponder over and decide for themselves.

Sir, that is what I have got to say on the question of the so-called fiscal autonomy in the exercise of which we are called upon to give our votes on this most momentous question.

Sir, this debate has gone on for three days and I have no doubt that the time has now come when we should decide one way or the other, whether the motion of the Honourable the Commerce Member should or should not be supported by the popular section of this House. The motion which the Honourable the Commerce Member has brought forward is, to say the least, of a most unprecedented character. The motion involves a decision on the principle of a Bill the text of which is not known to us and which I understand, has been deposited somewhere in a sealed cover not to be opened till this motion is carried by the House.

[Sir Hari Singh Gour.]

In doing so, the Commerce Member is asking us to close our eyes and open our mouths, and that is the situation in which the author of the Resolution has placed us. But Honourable Members on this side of the House will see that if we once accede to the motion of the Commerce Member we shall be ratifying the Agreement; in other words, we shall be accepting the principle beyond which it will be difficult for us to go at a later stage when the legislative measure is brought before us. What we should have liked is to have the Bill as well as the Resolution together, and, in asking the Government to do so, we are not oblivious of the fact that being a fiscal measure, if its details are disclosed, it would lead to anomalies in the sudden rise and fall of the commodity market in this country and elsewhere. But while this objection is undoubtedly sound, Government could have given us an idea as to what would be their budgetary disturbance if the Ottawa Agreement is ratified by this House. I remember the Honourable Sir Alan Parsons yesterday coming to the rescue when this question was suggested in one of the speeches by one of the Honourable Members on this side of the House; and, if I understood him aright, he said that the budgetary position will not be seriously affected even if we confirm or ratify the Ottawa Agreement; but the point upon which the Honourable the Finance Member and the Honourable the Commerce Member were invited to give their opinion was not the point upon which Sir Alan Parsons spoke. The point which has been exercising our minds is that the budgetary position at the present moment is in itself an abnormal one. You have only recently placed a surcharge of  $7\frac{1}{2}$  per cent. upon the customs duties. The customs duties themselves have been raised from time to time till they now come up to 30 per cent. and they have been further raised by a surcharge of  $7\frac{1}{2}$  per cent. Sir George Schuster, speaking at the Ottawa Conference, at page 66, said:

"To explain shortly what has been done, I may say that, while our normal tax revenue has, since the war, averaged about 75 crores (£ 56 million sterling), I have been forced during the last two years to impose new taxes calculated to yield 34 crores (£ 25½ million sterling), an increase of nearly 50 per cent. Yet, on present indications, even this may prove insufficient if the present low level of prices continues".

Now, the question which arises in this connection is, are we going to standardise this abnormally high expenditure which was voted—not voted at any rate, it was certified—and to which the Government of India stand committed on account of the abnormally low prices of commodities? That is the first question and no answer has been given to this question at all; and, therefore, we do not know to what extent our budgetary position would be affected if we ratify this Agreement. That is a question upon which we are entitled to a reply from the occupants of the Treasury Benches. The second point upon which emphasis has been laid in several speeches on this side of the House, and, indeed, which is the subject of one of the amendments under discussion, is not a point to be disposed of in a cavalier fashion. Let me recall the words of Sir Atul Chatterjee who, as head of the Indian Delegation, speaking at Ottawa, said, at page 56:

"In every case, the protective duty is only fixed after a careful examination by the Tariff Board at a level which will be adequate for its purpose without imposing an unnecessary burden on the consumer. The Government of India and their delegation feel that a policy of this kind, deliberately adopted and found, by experience, to work satisfactorily, should not be discarded on the eve of a great constitutional change".

What answer have they given to this statement made by the head of their own Delegation? Further, later on, he says, referring to the export trade of India:

"Her exportable surplus of certain commodities may, however, exceed—may even greatly exceed—the Empire's present capacity to absorb them. India has to find markets outside the Empire for the great bulk of the exportable surplus of her products, although, in normal years, she purchases a greater proportion of her requirements from within the Empire than from without. These are facts which those, responsible for India's welfare have constantly to bear in mind. The development of her foreign trade generally is one of her primary interests. But it is not in the mind of any of us here. I am sure, that trade could be confined to Empire channels, and it is the hope of the Indian Delegation that this Conference may prove to be an important step towards greater freedom of trade throughout the world".

Now, I should have expected that the protagonists of this Resolution would throw some light upon these two very dark notes of interrogation which have been placed by no less an authority than Sir Atul Chatterjee in his considered speech before the Ottawa Conference but there has been no reply. And apart from what he has said, let me now, within the few minutes at my disposal, pass in review by way of illustration some of the salient features of this Agreement. I would invite the Honourable Members to turn to the Agreement itself printed at page 71; if they look at the classification, they will find that you have Schedule A, Schedule B, Schedule C and Schedule D, and I invite the attention of Honourable Members to these various Schedules in connection with what I am going to say. Honourable Members will find that while in respect of articles mentioned in Schedule C, namely, articles like tea, coir yarn and the rest, India has been given the exclusive preference in the sense that the United Kingdom undertakes, if she enters into an agreement with any other competing country, and should give that additional preference, India will be a participant to that additional preference. That is with reference to tea. But when you deal with articles which are mentioned in Schedule A—agricultural products produced in this country—you find the following statement:

"Wheat grain, Rice, Linseed (*on which a great deal of emphasis was laid by the Honourable Members on the other side*), vegetable oils, such as castor oil, linseed oil, coconut oil, etc."

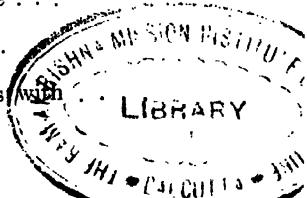
It has been said that in the matter of oil and linseed India has distinctly to gain by this Agreement. Now, what is the position? The position is given in Article 2 which says:

"His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule A, appended hereto, the duties of customs shown in that Schedule in place of the duties (if any) now leviable".

In other words, His Majesty's Government undertake to give India certain preference, but they do not undertake that they will not enter into an equally advantageous agreement with a foreign competing country. Take, for example, Argentine. That competes with India in the matter of linseed. I will give you only one example. There is no undertaking in this Agreement that, while we give you preference in the matter of linseed, we will not give equal preference to Argentine . . .

**Mr. F. E. James** (Madras: European): No, no.

**Sir Hari Singh Gour:** The only clause that deals with



**Mr. B. O. Burt** (Government of India: Nominated Official): I would ask the Honourable Member to say if he has read the text of the clause that he is quoting.

**Sir Hari Singh Gour:** That is exactly the text I have read.

**Mr. B. O. Burt:** May I read the text of the clause which the Honourable Member is quoting:

"His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule A, appended hereto, the duties of customs shown in that Schedule . . ."

A specific duty has been imposed on *all* foreign linseed.

**Sir Hari Singh Gour:** My friend has not understood me. I quite admit that clause 2 lays down that there would be a differential tariff placed on foreign goods, but there is nothing whatever corresponding to clause 4. And Article 4 deals only with tea, cotton, yarn and the rest of it. These clauses 2, 4 and 6 are inter-dependent, and you will at once see by comparison and contrast the point to which I am drawing the attention of this House. The occupants of the Treasury Benches and those sitting behind them said that the foreign countries were so impressed by the Trade Agreements made with India that they are also asking for preference,—and did I understand 8 or 18 countries had already applied for similar preferential tariffs. Is there anything in this Agreement like clause 4 which deals with tea and other things to prevent the United Kingdom from entering into a similar Agreement with other foreign countries? And what is more, the United Kingdom is only contracting for itself; it is not contracting for the Self-Governing Dominions of the British Commonwealth. Take, for example, South Africa and India. You know very well, Sir, that South Africa is a large producer of tobacco, and, in the matter of production of tobacco, cotton, wheat and other things, it competes in an increasing degree with the products of India. This Agreement does not deal with South Africa at all. It only deals with the United Kingdom and the non-Self-Governing Colonies like Ceylon and the Federated Malay States. Consequently, what has been given with one hand by the United Kingdom might be taken away by South Africa with the other hand. These are the questions which complicate the issues, and my friend on the other side cannot merely get up and say: "Here is a very fine Agreement made by a very fine people and supported by very fine men". What Members on this side of the House say is, that we all very much like to sit in a Committee and ask you these questions, make investigation for ourselves, and if we are satisfied that the nett gain and nett loss will, at any rate, balance each other, we are quite prepared to ratify this Agreement, but blindfolded as we are, we are not in a position at the present moment to give you a *carte blanche* to go ahead with legislation, the nature and extent of which we know not. At least that is what is passing through the minds of Members for whom I speak and Members who sit behind me (Hear, hear), and I cannot understand the intransigent attitude which has been taken by the Honourable Members on the Benches opposite. What objection can they possibly have to a further inquiry on the lines I have suggested? In the September Session, they told us: "Oh, there is a very great hurry, there is the 15th of November". Now they tell us: "Forget the 15th of

November!" There is no hurry to rush on with this measure without giving sufficient time or placing before us sufficient materials, and it is upon that ground that we, on this side of the House, ask Members opposite to once more reconsider their position and yield to the suggestion made. It does not matter whether it is the Committee formulated by my friend, Dr. Ziauddin Ahmad, or any other Committee, but give us a Committee where we shall be able to decide for ourselves after full investigation and inquiry as to whether we should or should not ratify this Agreement. In asking for this, we are only asking for time; in asking for this, we must not be understood to be hostile to the Agreement. The impressions that we have given expression to might be our first impressions, but they are entitled to some weight, and when we find that we have a phalanx of experience, mature and expert opinion, against the Ottawa Agreement, then you may certainly pardon us if we ask for a little time to consider it in the light of the observations that have been made. It may be that the view you take is right; it may be the criticism to which this Agreement has been subjected is wrong; but you ask us to sit as your jury, you must at any rate give us a chance of considering the whole question,—you cannot ask us to come to a hasty, ill-considered and, it may be, unwise judgment without considering all aspects of the question. This is all that Members on the Opposition Benches ask for at present, and they will not be satisfied with anything less. (Applause.)

**Mr. H. P. Mody** (Bombay Millowners' Association: Indian Commerce): Mr. President, this House has not been called upon, ever since the hapless ratio question was decided, to deal with a more momentous problem than the one with which it is confronted today. In view of the very important and complicated issues involved, it would be a distinct disservice to the country, in my opinion, if we were to bring to bear upon the consideration of this question any pre-conceived motions or political prejudices. I have been studying this Agreement ever since it was published, and I can say that, so far as I am concerned, I have approached the issues involved in it with an absolutely detached mind, and with no pre-determination of any sort to find out where and how I can trip the Indian Delegation. Nor, Sir, am I going to indulge in cheap sneers at the representative character of the Delegation. The Delegation may be said to be non-representative only in the sense that it was appointed by the Government of India which is not under the control of this Legislature. But from every other point of view, some, at any rate, of the members of the Delegation, can be said to be fully representative in every sense of the word. Taking that detached view of the Agreement and of those that lent their hand to it, I will apply only two tests. One is, is the Agreement to India's benefit, and the other, what are the possible disadvantages arising from the Agreement?

In order to determine whether the Agreement is to the benefit of India, it is necessary to examine in some detail, the case of the various commodities on which preferences have been given by Great Britain. I would like to preface my remarks on these by a quotation from one of the most recent pronouncements, namely, a lecture given by Mr. H. A. F. Lindsay, Trade Commissioner for India in England. He said:

"India holds one absolute monopoly, namely, jute which is commercially grown nowhere else in the world, and for which no general substitute has yet been found. But, besides jute, there are a number of commodities which, though not monopolies, India produces in greater abundance and more suitably than other countries. Shellac



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is one; goat-skins, teak, mica are examples, and yet other instances could be cited. These are essential to many industries of the Western World, but are not wholly produced in the West . . . Indeed, it is a striking feature of this trade picture how little India's exports compete with the native production of Western countries. In this she has a distinct advantage over South Africa, Australia and New Zealand which are also largely dependent on European and American markets but which export much that is distinctly European in character such as meat, dairy products, fruit and wine".

That, Sir briefly is the picture of India's export trade in most of the commodities. Now, let us go a little into figures. Taking the year 1929-30, the total exports of India to the world were Rs. 311 crores. England's share of this amounted to Rs. 67 crores. Out of this, when we consider the implications of the Agreement, we must take away those commodities which have been placed on the free list like cotton, hides and skins, manganese, raw wool, etc., which amounted to very nearly Rs. 11 crores. We must, again, deduct the commodities which were added to the free list at the instance of the Indian Delegation, such as hemp, raw jute, lac, mica, and broken rice. Those accounted for Rs. 8,52,000,000. In other words, when we consider what India stands to gain, we must deduct from Rs. 67 crores, very nearly Rs. 19 crores, leaving only Rs. 47 crores of exports to be considered. Again, out of these Rs. 47 crores, the largest item must be deducted—we will come to that later—namely, tea, which accounts for Rs. 23 crores. Thus, the total figure to be taken into consideration is something like Rs. 24 crores.

Let us now examine the various preferences. I will try to deal with them as briefly as I can. I shall first take the commodities which are included in Schedules A and B, and which are in the nature of new preferences. The first is wheat. The Delegation make the claim that though the question may not be as important to India as to the dominions, still the time may come when with irrigation schemes and the like India would want to participate in the benefit of any arrangement which may be made by Great Britain with the Dominions. That, Sir, is a very far cry. When we produce more wheat, when we produce a really substantial exportable surplus, let us talk of wheat. For the time being, let us take facts as they are and as they have been for ages and ages. And what are the facts? In 1929-30. out of a total of 111 million cwts. imported by Great Britain, she took from India only 140,000 cwts., a most negligible figure; I do not think it really required even mentioning. Those who look into the pages of the sea-borne trade returns will find for themselves that in the last four or five years we had, as a matter of fact, on the balance, imported rather than exported wheat. So, I say that wheat must be absolutely banished from the consideration of this question.

The next item that has been mentioned is rice. India consumes practically the whole of the rice that she produces. Only seven per cent. of her production goes outside the country, and, out of this quantity, Great Britain takes three per cent. The remainder of the requirements of Great Britain is supplied not by Empire countries, but by Spain and the United States of America. Therefore, even if our rice was taxed, we should be in the same position as Spain and the United States, even if we thought that rice was a commodity which we have to take into consideration when dealing with our export trade. (Mr. B. Das: "You forget Burma.") Then take coffee. India's share only amounted to 8½ per cent. Now, there has been on coffee, for a number of years, a preference

in favour of Empire countries. In spite of that, the exports to Great Britain from India have continued to be stationary, while the exports of other Empire countries have gone up. India's share, as I said, is 8½ per cent., the share of the Empire is 45 per cent.; and apart from Central America and Brazil, which are very formidable competitors for the coffee trade in Great Britain, British East Africa is perhaps the strongest of the Empire countries which is our competitor. I was not present here the other day when my Honourable friend, Dr. DeSouza, who should know a great deal more on the subject than I do, expounded the argument that this preference on coffee would be of distinct benefit to India. I say that the benefit is there, but it is rather negligible, and in view of the undoubted fact that India's consumption of coffee is increasing at a rapid rate, I do not think that the coffee trade ought to give us any concern . . . . .

**Dr. F. X. DeSouza** (Nominated Non-Official): May I point out, as a matter of personal explanation, that the benefit I indicated was the possibility of capturing the English market to the extent of Rs. five crores.

**Mr. H. P. Mody:** That is a very tall order, Mr. President; I should be satisfied with even Rs. 50 lakhs! I pointed out that Central America and Brazil export the most, that British East Africa is our strongest competitor among the Empire countries, and that India's sendings have been stationary in spite of the fact that there has been a preference in operation for a number of years. (*An Honourable Member:* "How much?") I could not tell you that straightaway, but it has been in operation since 1919. In view of that to say that we can capture Rs. five crores worth of additional trade is, I submit with great respect to my Honourable friend, a very tall order.

Take vegetable oils. The exports to Great Britain are, even as things stand, increasing and increasing substantially. My anxiety is to present a fair picture, and not to try and damn the Delegation's work, but rather to appreciate whatever they have done which is of benefit to India, and to point out where, in my judgment, at any rate, they have taken a view of the situation which is not warranted by facts. I say that, in the matter of vegetable oils, a preference would undoubtedly be useful, but to what extent it would be useful is a matter for consideration. The Delegation themselves have pointed out two handicaps which have interfered with the expansion of the trade in vegetable oils, and those are expensive packing and high sea freight. The question is whether this particular quantum of preference, which has been given in respect of vegetable oils, will be enough to overcome those two handicaps which the Delegation themselves have mentioned.

The next commodity is magnesium chloride, and it is proposed to have a duty on the foreign article of one shilling per cwt. Sir, the House should know something about the magnesium chloride industry in India, because it dealt with the question of protection only a short while ago. With great respect, I would laugh out the possibility of India being able to export magnesium chloride to any extent. In spite of the protection which was proposed by the Tariff Board and accepted by Government, the House may remember that I moved and carried an amendment that if, in spite of the protection, foreign competitors dumped their goods in India, the Government of India should without reference to the Legislature,

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increase the duty correspondingly. Sir, that amendment was accepted by the House. That shows that even with protection, the magnesium chloride industry is not capable of holding its own, but for the power which the Government of India have in their hands of imposing an additional duty without reference to the Legislature in the event of powerful foreign combines, particularly German, dumping magnesium chloride in the Indian market. So, I say, magnesium chloride ought to be ruled out altogether.

The last of the six commodities in Schedules A and B, is linseed, and I must again admit that here the preference would certainly be of advantage to India. But we have to consider how far that advantage would go. There has been no doubt that India has been losing ground to Argentine, and it is a question whether a 10 per cent. preference would be enough to overcome the competition from the Argentine. I think there is considerable disparity in price, and the question that we have to consider is—s the preference, which has been proposed, enough to make us level, so to speak, in competitive capacity with the Argentine in the matter of linseed? (*An Honourable Member*: “Not unless production is increased.”) Exactly. The Delegation say, it is necessary apart from the preference that the production of linseed should increase, and they mention a figure of two million acres. Is that within the bounds of practical politics today? You can do it in a number of years, but, after all, this Agreement is to be operative only for a very short time. Do you expect within that time, that linseed would benefit to the extent to which, you think, it will, by bringing into the acreage as much as two millions more. I say, Sir, that that, in my opinion, is an estimate wide of the mark.

While I am on linseed, I would say that if Great Britain had offered a preference to cotton seed it would have been of distinct advantage. I would repeat that the preference is useful, in spite of the competition of Argentine. My only point is that it may not prove so very effective as the Delegation and my friends over there seem to imagine. In cotton seed, however, we are experiencing a great deal of competition from Egypt, and if, it had not been put on the free list and had been given a preference, India would undoubtedly have stood to gain.

That finishes Schedules A and B in which fresh preferences have been proposed. Now, Sir, let me go on, unfortunately the time at my disposal is limited, (*Honourable Members*: “Go on”), to the preferences which are retained. The distinction that I would like to draw is that here there is no question, of India having lost her ground. India has not lost her ground. She has managed to retain it, even to strengthen it, but the point is that we are told now that if we do not ratify this Agreement, much of the ground which India has retained could no longer be retained, because Great Britain would give preference to the rest of the Empire countries and leave India out in the cold. Let me preface this part of my remarks with a general statement. The United Kingdom's share in India's import trade amounted in pre-war years to 63 per cent. In 1927-28, it was 48 per cent., in 1928-29, 45 per cent., in 1929-30, 43 per cent., in 1930-31, 37 per cent., until in 1931-32, it came down to 35 per cent. That is to say, from 63 per cent. in pre-war years, England's share in the import trade of India dwindled to 35 per cent. What is the other side of the picture? And that illustrates the point which I am trying to make, namely, that so far as conditions are what they are, India's position in the markets of Great Britain is

secure. The corresponding figures of export are 25 per cent., 25 per cent., 25 per cent., 21 per cent., 22 per cent., 22 per cent., and 28 per cent., in 1931-32. The fact is that India's position today is secure in the markets of Great Britain. Having made that general observation, I pass on to some of the important items, I have selected such of those as would rather prove my Honourable friend's case. Take tea. There is not the least doubt that this is the most important of all the commodities which are affected by this Agreement. I do not hold with those people who say that the capacity of Ceylon or of Java is limited. I think they are talking absolutely without the book. I do not also hold with those who say that because it is British capital, therefore Great Britain will not discriminate against it. What is wrong with British capital? I have no prejudice of any sort against it. What is there to prevent my Indian friends from buying tea shares? The monopoly in jute was in Scottish hands for a number of years and today the largest holders of jute shares are Indians. In the same way the time may come when we may have a larger and larger share in the tea trade. So I dismiss that argument also. What I would point out is that it is undoubtedly true that if this preference of 2d. which has now been given to Empire tea under the last Budget, and not, mind you, under the Import Duties Act, if that were done away with, and Ceylon continued to enjoy preference, there is no doubt that we should lose a great deal of our trade to Ceylon. Perhaps we should lose a part of our trade also to Java and Sumatra. The only point is, what are the possibilities of such action being taken? While I admit, that if the preference were done away with, there would be a very considerable injury done to the tea trade, I think England will think ten times before it seeks to do away with this preference of 2d. Why? For the simple reason that India is the largest supplier of tea to the United Kingdom, and if she was put on the same footing as foreign countries, the duty of 4d. against Indian tea would determine the price of tea to the consumer in Great Britain. That is an economic fact, which I would like to see any of my Honourable friends challenge. So I doubt very much whether action would be taken against Indian tea, in view of the fact that the price of tea would be raised all round, and the consumer would be hit very hard. Do not let us forget

that tea was free of duty and that it was for budgetary and  
 12 Noon. revenue considerations that this preference was introduced.

We shall next take jute manufactures. While India gains by the proposed preference, as against India would the Dundee jute industry, we must remember that Great Britain only takes six or seven per cent. of the total exports from India to various countries. If preference were not given, it may be that our exports to Great Britain might diminish to a certain extent, but do not forget that as regards jute manufactures, we have the whip hand in the sense that we have a monopoly of the production of raw jute, and if a duty were imposed upon jute manufactures, it could be countervailed by an export duty on raw jute. I am not saying that, it would be done, but there is the possibility. Now let me take teak. The industry exports about ten per cent. of her total output and supplies more than half of the British market's requirements. If preference were eliminated, Indian trade would be affected to a certain extent, but I do not know to what extent that would be, because no figures are given. I am sorry to have to go on at this length, but I hope, Sir, you will give me a little indulgence, because I have made a study of this subject.

**Some Honourable Members:** Go on, go on.

**Mr. H. P. Mody:** Next let me take pig lead. The largest export is to the United Kingdom. Here the retention of a preference, I will admit, would be of advantage, but, again it is not possible for us to say what the advantage would be. Here I want to make a general complaint against the Report of the Indian Delegation. We were given the report on the 13th of October. But the detailed facts and figures which are absolutely essential for a study of this question have not been supplied. Only general statements are made, sometimes backed up by a few facts and figures, and we have had to wade through blue books and works on economics in order to determine how far the statements which are to be found in the report can be substantiated. Therefore it is that while I admit that in the case of pig lead and teak a preference would be of distinct advantage, I am not in a position to assess what that advantage would be in the absence of the figures which are required.

Next we have spices. They are a negligible item in so far as the value of the export to Great Britain is concerned, and I do not think they ought to have been made a song of in the Report of the Delegation.

Then, take tobacco. I shall not weary the House by attempting to go into details, but I will say this as regards tobacco. In Great Britain, the tastes and habits of the people are changing, and today a very considerable amount of cigarettes is being consumed—a great deal more than any other kind of manufactured tobacco. India does not produce enough of cigarette tobacco yet. Such tobacco requires skilful blending: and if India were to produce such tobacco in appreciable quantities tomorrow, there is a great deal of the country's own consumption to look after. Cigarette factories are springing up fast in India, and you will find, Sir, that if India, were to increase her production of cigarette tobacco, it will all be absorbed by the home market.

The other side of the picture is what would be the possible disadvantages to India if this Agreement were ratified. Now, the first general feature which strikes one is the extraordinary range of preferences given. My Honourable Leader, Sir Abdur Rahim, pointed this out yesterday. What I want in this connection to do is to draw Honourable Members' attention particularly to the Report of the Fiscal Commission of which you, Sir, were the distinguished President. I do not know how many times the Report has been quoted—I wonder if you quite like it!—but I must quote paragraph 25 of the Report:

"In our view, it is clear that if preference is to be given, it must be confined to a comparatively few commodities and cannot take the form of a general preferential tariff. The commodities selected must be as far as possible those in which British manufacturers already hold an important part of the market and in which the grant of a preference is likely to develop rapidly the portion of the market which they will command so that the burden on the consumer, if any, will be removed at an early date".

Sir, I have examined, somewhat hurriedly the whole Schedule of the articles on which India is to give a preference. In respect of a few items, the test laid down by the Fiscal Commission is satisfied, in that England holds a great part of the Indian market, and if we were to consider mutual preferences, it would be right and proper that we should give preference on those articles. Then, there is, another class of articles where the trade of Great Britain is so very small that to give preferences to Great Britain by raising the duty on the foreign article would be to raise the

price to the consumer on all those articles; and they are the most numerous of the whole lot. By all means give preferences if we have to enter into a Trade Agreement, but give it on those articles in which Great Britain holds an important position, so that the burden on the consumer may be eliminated at a certain date, but do not give it on an enormous number of articles in such a way that it becomes a general measure of preference. What would be the consequence of that apart from the considerations which I have mentioned? The case of Indian industries was mentioned in the course of the last two or three days. I do not see that our major industries are going to be affected, but do not forget that in the last year or two a great many small industries have sprung up—cement, paint, painters' materials, aluminium circles and sheets, earthenware, porcelain, electric lighting accessories, safes, strong boxes, boots and shoes, etc. Only the other day, I came across a small factory for the manufacture of plugs and switches. If you are going to give preferences all round, you should consider the effect on such nascent Indian industries that are rapidly, under the stimulus of Swadeshi, springing up in this country. (Applause.) The other disadvantage would be an increase of the burden on the consumer or a loss of revenue. Great Britain gets a preference either by a reduction of the duties against her products, or against foreign products by a raising of the duties. In the one case there will be a loss of revenue, and in the other case a burden on the consumer. In view of all this, I submit that this Agreement requires the most careful examination. We ought to know what the other part of the arrangement is: in what way are all these preferences, which are to be given to articles of British manufacture, worked out in the Tariff Bill. Another general consideration has been urged. Many critics have said that there will be retaliation. I am not of that view. Sir, in matters of economics, there is no place for sentiment, either of hatred or of love (Hear, hear), and unless some of these Professors are able to establish to my satisfaction that it is possible for foreign countries to retaliate against India, I am not going to accept that argument. (Hear, hear.) But I am going certainly to advance another argument and that is this, that if only a limited trade is going round, and you filch a portion of it from foreign countries, it does not mean that you enlarge your trade. It means merely that the trade has been diverted from one channel into another. I shall give you what was stated only very recently by His Majesty's Senior Trade Commissioner in India and Ceylon. He says:

"Apart from the working of economic laws, there has been for many years a tendency all over the world for a country to purchase its imports from those countries which are the most important customers for its own produce".

Unless the world level of prices rises, and unless we get out of this trough of depression, what we shall experience will be that the foreign countries which will be driven out of our markets in respect of those commodities on which we have given preference to Great Britain will, on that account, buy less of our products; their capacity to pay for our produce to that extent is bound to be diminished. I say, Sir, these are rather important considerations, and they ought to be very carefully examined.

Let me turn for a moment with the arrangements with the Colonies. Kenya, Uganda, Zanzibar and Nigeria and some others have been left out of the picture; Ceylon and the Malaya State are there. Even in respect of Ceylon, what do we find? There is a clean-rice trade of India which Ceylon will not give preference to. Ceylon, of course, has a right

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to consult her economic interests, but this is the sort of arrangement we have got with the Colonies. Kenya, Uganda, Zanzibar and Nigeria and other Colonies get preferences without any return, because they are said to be precluded by treaty arrangements from giving us preferences. In British East Africa, for instance, there is a large trade in textiles and India would have been benefitted considerably if a substantial measure of preference had been given to her textiles. British East Africa does not do so. It chooses to take her cloth from Japan; thus we are giving preference to a country which chooses to buy her requirements from a foreign country in preference to Empire countries. That is the sort of arrangement which we have come to with the Colonies.

Let me end with an appeal to my Honourable friends. After all, we have only had this report for a month. Very few figures, as I have said, have been given and we have had to wade through blue books and various publications. It is all very well for the British Parliament to get the necessary legislation through in no time, because after all Parliament represents the will of the nation, and it is a National Government that is in power. This position does not exist in India. We have besides, only one side of the case before us, and we do not know what will be the effect on the revenues of India or what will be the burden on the consumer. I will say to the Government: You forced down the throat of India the ratio, and even you have realised that it was an evil day when you used your majority for the purpose of ramming the ratio down our throats. (Applause from Non-Official Benches.) While I do not deny your technical right to use the votes you have got, I say, it will be an even more evil day if you use them after a four days' general discussion of this character to force this Agreement down the throat of India. Let us give it an examination by a Committee of the House. My Honourable friend, Dr. Ziauddin Ahmad's amendment may not be possible of acceptance; we may not be able to co-opt experts, and to have their report in time; but do let us have at least a Committee of this House and give it an opportunity to examine the Agreement. I for myself promise that I shall import no political bias into the consideration of the question. I shall look at it as a strictly business proposition, and if you convince me that the Agreement is to the benefit of India, I shall be your strongest supporter. (Applause.)

**Mr. F. E. James:** Mr. President, I am sure, the whole House will congratulate Mr. Mody on one of the ablest speeches on purely economic lines to which we have listened during this debate. I cannot, however, help observing that it is refreshing to find Mr. Mody himself in a new role, namely, as a champion and protector of the consumer. (Applause from Official Benches.) May I apply to him some words written by *Punch* in connection with Sir Herbert Samuel's resignation and make this appeal to him?

"Long since he had his chance to make

A fiscal sacrifice for unity:

He might have starved for Free Trade's sake

But chose to miss the opportunity;

Why now deny himself the fat

In which for months and months he's wallowed?

Why strain at Ottawa's paltry gnat

After the camels he has swallowed?"

**Mr. H. P. Mody:** May I tell my Honourable friend that it is one thing to put a burden on the consumer in order to help your industrial development and quite another when industrial development is not in question. I invite my Honourable friend to read the report of the Fiscal Commission on that point.

**Mr. F. E. James:** I should not have dared to address the House without having most carefully read and pored over the Report for which you, Sir, were so largely responsible.

Now, Sir, Mr. Mody has addressed himself to the general argument as to whether this Trade Agreement is or is not definitely beneficial to India. I would like to remind him, as I would like to remind the House generally, that there are two sides to this question. Those, who are readers of the papers, will have observed in the House of Commons the very strong opposition voiced to the preference proposed on linseed for India and I have in my hand an extract from a letter which was recently received from a well-known British manufacturer who is a keen supporter of the Labour Party. With your permission, Sir, I would like to read one or two extracts from this letter, merely to point out to Honourable Members that there is another side to this picture. Just as the Honourable Members are criticising the Agreement here, so there are communities in my own country who criticise the Agreement from exactly the opposite point of view. This is the extract from the letter:

"This Trade Agreement is definitely beneficial to India, but its results are not so obviously beneficial to Great Britain. Indian pig-iron will undercut the workers of Scotland and South Wales. How will they regard the matter when they lose their jobs through the entry of a subsidised Indian article? We are offending the Argentine by giving a new and handsome preference to Indian linseed. India gets preference on tea, rice, coffee, vegetable oils and many other important products. What do we get? Preference on a long list of articles most of which do not amount to a ha'pence of beans. No assistance to piecegoods, no assistance to other goods which you have shut out by high protective tariffs, and not only that, but the right to get protection on even any of the goods to which preference is given to us, so that they can be removed from the Schedule. But the crowning scandal (*this is from a British manufacturer*) of the whole thing is that there is no period to the Agreement. It can be repudiated at six months' notice in whole or in part. Now, what the hell is the good of an Agreement like that? Your Delegates were clever devils. (*My Honourable friend, Mr. Shanmukham Chetty, will appreciate the compliment.*) They pulled the bluff alright".

That, Sir, is the opinion of a British tax-payer on the Indian Agreement. Now, Sir, my Honourable friend, Mr. Mody, has given us a detailed examination of the Agreement itself. He has done so by two methods. First of all, he has reduced, as far as possible, in anticipation, the advantages to Indian exports which are likely to accrue. He began by making a very large deduction. He spoke of the export trade of 47 crores of India which might be considered and then said, "We will take away from that 24 crores which deals with tea and we will deal only with 23 crores that are left".

**Mr. H. P. Mody:** Taking these separately.

**Mr. F. E. James:** He then proceeded to take article by article and, on no foundation of fact whatsoever, he proceeded to decry the advantages which might accrue. He took up the question of coffee. Now, Sir, you will find, as my Honourable friend, Dr. DeSouza, has already pointed



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out, that, as a matter of fact, the new preference or the increased preference given to coffee is, and will be, of very great advantage to coffee producers, provided, and this applies to the case of every single article of Indian export which is benefited under this Agreement, provided the producers concerned take advantage of the new preference given. Why do I say, Sir, that a preference on coffee is to be of great value? My Honourable friend would have found the answer in the body of the report itself; and may I say, in passing, that the answer to practically every criticism levelled on the floor of the House against the Ottawa Agreement is found in the body of the Report itself. You will find the answer here:

"The Preference will now be increased to 9s. 4d. a cwt., and, as most of the foreign coffee imported into the United Kingdom is of the mild type and similar to good quality Indian coffee, it is reasonable to expect that the consumption of Indian coffee in the United Kingdom will increase substantially".

That is the answer to my Honourable friend's argument.

Then, Sir, he dealt with the question of magnesium chloride. I am simply picking out a few of these to demonstrate that his arguments are entirely fallacious and not based upon the practical considerations of the situation. In fact, I am surprised that being a good businessman, he used this argument. A good businessman is one who seizes every possible advantage of expanding his industry and of expanding its exports. My Honourable friend on the other hand is taking every possible opportunity of decrying the advantages that are given in this Agreement.

**Mr. H. P. Mody:** Will the Honourable Member explain the advantages?

**Mr. F. E. James:** I will now explain the question of magnesium chloride. My Honourable friend, Mr. Mody, says that there is no future for this industry as an exporting industry even if preference is given. Why then is it that only last week the interests concerned in the United States of America have appealed to the American Government to use the provisions of their antidumping legislation to protect their market against the import of magnesium chloride from India?

Then, my Honourable friend spoke of linseed. Fortunately he had little to say about linseed. All he said was that he did not expect that it was within the capacity of India to increase her production within six months by two million acres.

**Mr. H. P. Mody:** Within a measurable distance.

**Mr. F. E. James:** Surely, it is within the capacity of India to increase her production reasonably quickly and that is all that the Delegation ever recommended. I may point out once more that the value of these preferences to India in the matter of linseed is proved by the opposition that has been raised in England against this particular preference by the interests concerned.

Now, Sir, I will deal with two other articles. I will deal with the question of tea. And here, I would like to congratulate Mr. Mody upon the broad-minded view which he has taken of that industry and I welcome,

with all my heart on behalf of the industry, which in part I represent, his kindly references to British capital in this country. But looking into the matter from a purely economic point of view, there are two arguments which have been advanced during the course of this debate, the first argument is that Great Britain will never forgo preferences on tea or never remove preferences on tea as that might injure the British planters here.

**Mr. H. P. Mody:** Probability, I said.

**Mr. F. E. James:** There is the probability. But I should like to remind my Honourable friend that in 1929, Mr. Winston Churchill, as Chancellor of the Exchequer of a Conservative administration, reduced and then removed the preference on tea which India had enjoyed. Those of us who are interested in the tea industry have as little reason to be fond of Mr. Churchill as my Honourable friends on the other side of the House, though perhaps on different grounds. But, what was the result of the removal of this preference? In 1923, the Empire supplied to Great Britain 93 per cent. of her consumption of tea, whereas Sumatra and Java supplied seven per cent. After the preference was removed in 1929, in 1930 the Empire supply of this product in the United Kingdom had dwindled to 80 per cent., whereas the supply from Java and Sumatra had increased to 19 per cent. As soon as the preference was removed, repeated efforts were made, not only on behalf of the interests involved in this country, but also, I believe, at the instance of certain of the Provincial Governments, for a restoration of the preference on tea, but it was repeatedly refused. In 1931, it was refused last, and in 1932, this preference was granted. What was the immediate result? Since 1st April this year, during the last six months, the exports from Java and Sumatra have gone down by nearly four million lbs., as compared with 1931 and there has been a corresponding or a nearly corresponding increase in the export to the United Kingdom of Indian tea.

Then, Sir, another argument has been advanced—I have mentioned this argument before, but I want to put in another plea—the argument was advanced that the people of Great Britain would never agree to an act which would injure the Indian tea industry. My Honourable friend has never had the advantage of addressing a meeting of the Labour Party in Great Britain. When, at the time of the last General Election, a friend of mine was standing for the British Parliament, one of the arguments he was advancing for his candidature was that he supported a general scheme of Imperial Preference, and some one said: "What about tea?" He suggested: "Let us put a duty on foreign tea to save the ruin of the business of your own countrymen which they have established in India". The answer came quick from the audience: "What do we care about the interests of the industrialists in other countries? Give us cheap tea".

**Mr. H. P. Mody:** That was my whole point.

**Mr. F. E. James:** My whole point is this. My Honourable friend advances the argument that preference is something which matters little to tea. I have pointed out, it matters a great deal. The other argument is that the British Government will never go back on that principle. I have pointed out that, not only have they gone back upon it before, but they will go back upon it again, unless the principle of preference is enshrined in the form of an agreement.

**Mr. H. P. Mody:** I should like to interrupt my Honourable friend. I did not talk of preference. All that I said was that it is unlikely that England wished to do away with preference in the sense that there would be a duty of 4d. per lb. on Indian tea, because Indian tea, holding the position as it does in the British market, the price thereof would be raised all round and the British consumer would not allow it, including the labourite.

**Mr. F. E. James:** If the duty was reduced, there is still the principle of preference and my argument would still hold good in those circumstances.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): What is likely is that in the interest of the British consumer the Labour Party will decrease the duty on foreign tea by two-pence and equalise it with Indian tea.

**Mr. F. E. James:** I pass on to another article which Mr. Mody in his wisdom somewhat lightly skated over and that is the question of tanned hides and skins in which there is a matter of seven crores involved: India, under the Agreement, gets preference on the manufactured or semi-manufactured article and continued free entry for the raw material. You will remember that in recent discussions in Great Britain the tanning industry has strongly recommended a ten per cent. duty on all tanned hides and skins. If there had been no Agreement, there would have been today or, at any rate, from 15th November, a duty of ten per cent. on tanned hides and skins from India. Take that into consideration with the raw product which gets free entry equally with the raw hides of other countries and you will see that a tremendous value accrues to the tanning industry in this country from this particular Agreement.

**Mr. Rahimtoola M. Chinoy** (Bombay City: Muhammadian Urban): May I know how much of these hides and skins that go from India is consumed actually in the United Kingdom?

**Mr. F. E. James:** I have not the figures immediately at hand, but no doubt the Commerce Department can supply that information. Now, Sir, the further argument has been advanced that if this particular Agreement is ratified by the Assembly, there would be an immediate and damaging retaliation on the part of the foreign countries. Well, Sir, the first point was taken by Dr. Meek yesterday, and I do not wish to dilate on that point, in which he proved that retaliation never does pay and that a country will not retaliate unless it suits its trade to do so. But what have other countries done as far as India's export trade is concerned, in recent years? If you will examine a few of the articles concerned, you will find that in France the duties on linseed oil, groundnut oil, hides and skins, coffee and jute cloth have been raised tremendously. The duty on coffee, for example, is £5-18-4 for a two hundredweight bag. Take Holland,—increased duties on jute cloth and groundnuts. Take Germany,—increased duties on linseed and coffee. Take Japan which is so often quoted in this House,—a prohibitive duty on pig-iron and a total prohibition on the import of rice. Take America,—large increases all round in tariffs against Indian exports of recent years. I have already mentioned the special action which it is desired to take in connection with magnesium ore.

Then, Sir, what is the immediate effect of the Ottawa Agreement as far as the United Kingdom is concerned? One of the immediate results is that there have been from all the Scandinavian countries, from Germany, from Holland, from the Argentine, Trade Delegations sent in order to come to reciprocal arrangements regarding tariff arrangements between those countries and Great Britain. In other words, the first result of the Ottawa Agreements, after they were published, has been that other countries have desired to come into similar arrangements whereby there may be reciprocal lowering of tariffs. And that brings me to my last and main point. I stand here as a free-trader, in theory. I believe that the freer the trade, the bigger the trade. I believe that the principle of national sufficiency and the principle of even Imperial self-sufficiency is a wrong one and will lead ultimately to an economic wilderness. India wants more trade; India will get that trade only if general trade throughout the world recovers. You will find, Sir, in the Report, in the speech of Sir Atul Chatterjee the following sentences. I quote this speech, because it illustrates the spirit in which the Indian Delegation went to Ottawa and made their Agreements:

"India has to find markets outside the Empire for the great bulk of the exportable surplus of her products, although in normal years she purchases a greater proportion of her requirements from within the Empire. These are facts which those, responsible for India's welfare, have constantly to bear in mind. The development of her foreign trade generally is one of her primary interests. But it is not in the mind of any of us here, I am sure, that trade could be confined to Empire channels, and it is the hope of the Indian Delegation that this Conference may prove to be an important step towards greater freedom of trade throughout the world."

That, Sir, was said by the Leader of the Indian Delegation before the Ottawa Conference began. What was the result? Largely, I believe, as a result of the influence of the Indian Delegation at that Conference, there was a Resolution on Trade Agreements in general passed unanimously by that Conference in which the following appears:

"That by the lowering or removal of barriers among themselves provided for in these Agreements the flow of trade between the various countries of the Empire will be facilitated, and that by the consequent increase of purchasing power of their peoples the trade of the world will also be stimulated and increased;

Further that this Conference regards the conclusion of these Agreements as a step forward which should in future lead to further progress in the same direction and which will utilise protective duties to ensure that the resources and industries of the Empire are developed on sound economic lines."

The whole point of this Agreement, the main argument in favour of this Agreement is that, first, it will result in expanding India's export trade and, secondly, it will lead to a general lowering of tariff values throughout the whole world. Those who vote against the Agreement definitely vote against a chance of increasing India's export trade which is not likely to recur again in another generation. Those who vote against the Agreement also vote against the first practical step which the countries of the world have been taking, the first practical step to bring about a general world recovery. One more moment and I have finished. My friend, Mr. Mody, at the close of his speech, appealed in a very sincere and moving manner for time for consideration of this Agreement. Now, we have before us, at the moment, an amendment of the original Resolution moved by Dr. Ziauddin Ahmad, but as far as we are concerned, we cannot accept that amendment as it stands. We feel strongly that time should not be wasted; we feel strongly that the matter is urgent. But we are

[Mr. F. E. James.]

prepared, if a proposal were forthcoming on the floor of this House, to support some suggestion whereby, without delay and without further complication, this House would have an additional opportunity through a Committee, of examining the actual implications of this Agreement. But there is nothing before the House at the moment. My last word is this: that whatever we do on the floor of this House, whatever conclusion we ultimately arrive at, let that be a conclusion which is in the interests of India's best economic advantage, and through her best economic advantage, in the interests of world trade as a whole.

**Mr. B. S. Sarma** (Nominated Non-Official): Mr. President, there is a cablegram this morning in the *Statesman* as to what happened in the House of Commons regarding Assembly proceedings on the Ottawa Debate. Mr. Lansbury asked if this sort of Agreement was to be carried by the votes of Nominated Members; to which Sir Samuel Hoare replied that it was the ordinary procedure and, if it was departed from, the Labour Representative would be debarred from voting. I am afraid that both the suggestion of Mr. Lansbury and the reply of the Secretary of State were most unfortunate and irrelevant, because it is likely to create an impression that the Nominated Members of this House have already been pledged to support this Agreement and that we go into the lobby at the order of the Government. It is not so; and let me say this as a Nominated Member that the Government of India have no right to give any such dictation nor is there any obligation on the part of the Nominated Members to obey that dictation even if given. I am saying this for two reasons; unfortunate impression may be created by the publication of this cable at home and, also, if this Resolution is carried, the Opposition may go and say that the Government carried it with the votes of the Nominated Members. If some of the Nominated Members like me happen to vote for the Resolution, it is because we feel that this Agreement ought to be ratified. (Interruptions.)

I do not mind interruptions: I have been accustomed to interruptions in this House and I have often times hit back also. But today, even if I am interrupted, I am not going to be aggressive or use a harsh word, because I find from this morning an atmosphere of sweet reasonableness and conciliation pervading throughout the whole House and the lobbies and I do not want to say anything or do anything which might in any way interrupt that. I must say that we are always bringing to bear an independent mind and judgment on issues of this character. To demonstrate that, let me at once say that my sympathies are entirely with the amendment of Dr. Ziauddin Ahmad subject to the alterations implied and suggested by my friend, Mr. James. It is not because that I do not like the provisions of this Agreement; on the other hand I entirely agree with the main Resolution and the provisions contained in the Ottawa Agreement. We do not understand what all these learned pundits have been saying for the last three days, upon linseed, cotton, aluminium and all that sort of thing. Many of us are laymen; but we do understand from a cursory study that 55 per cent. of our imports are unaffected by this Agreement.

Twenty-two per cent. is subject to examination by the Tariff Board; and this supposed preference covers only about 22 per cent. of our

imports and, even there, our protected industries are not touched. Taking these figures we find from the reciprocal preference as was explained yesterday by Mr. Shanmukham Chetty, the balance of advantage is entirely in our favour. And the other reason why I support this Agreement is a purely—you may call it very narrow—provincial and personal reason: the provincial reason being that the two provinces which immediately stand to gain by this Agreement are Madras, the province of my birth, and Bengal, the province of my adoption. Of course the province that does not stand to gain so much is the province of Bombay, from where this agitation has been engineered, against the Agreement. The second personal reason is this: in any document, if you find the signatures of men like Sir Atul Chatterjee or Sir Padamji Ginwala or Mr. Shanmukham Chetty and if the same is supported by a man of the proved patriotism of Sir Joseph Bhore, I do not think any patriotic Indian should have any objection to support it. If ever the day comes when people like these prove false to India, I say, then, good bye to all prospects of this country ever becoming free.

With regard to the suggestion about supporting this amendment, if you will permit me, Sir, I will move an amendment to Dr. Ziauddin's amendment with alterations on the lines suggested by my friend, Mr. James. After the word "report" we may say "within a week", and then (interruptions)—I am only making a suggestion and it is for the President to accept it: and then delete the words about co-opting not more than six specialists for one simple reason: if the gentlemen who have signed this Agreement, Sir Atul Chatterjee and Sir George Rainy and Sir Padamji Ginwala and Mr. Shanmukham Chetty are not experts, where are the experts in this country who can compare with these people? In view of this, I suggest, with your permission, Sir, an amendment to this Resolution and I have no doubt that the Commerce Member will have no objection to accept it.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member may be in the confidence of the Commerce Member but the Chair requires the amendment to be handed over to it for consideration. Honourable Members are aware that in terms of the Standing Orders two days' notice is required for every amendment to be moved. The Chair has the power of suspending the Standing Order and allowing an amendment to be moved at any stage of the debate; but in order that the Chair may be able to consider whether at this stage such an amendment should be allowed without notice, it is necessary that the Honourable Member should hand over in writing the amendment which he proposes to move.

**Mr. R. S. Sarma:** May I say a word of personal explanation? I am not in the confidence of the Commerce Member, but I thought that in view of the reasonableness of my suggestion together with the support that Mr. James gave to it—there will be little difficulty on the part of the Government to accede to it. If you want, I shall write it out, Sir.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Yes, you may write it out and send it to me.

\* **Sirdar Harbans Singh Brar** (East Punjab: Sikh): Mr. President, a lot has been said on this subject from a commercial point of view and I

[Sirdar Harbans Singh Brar.]

need not detain the House on that issue. My only reason for intervening in this debate is this: I have to see the Agreement purely from the agricultural point of view, whether it benefits the hundreds of millions living in the countryside or whether it does not. If any protection or any additional market to the agricultural produce of Northern India is there, I am for it; if there is not, I am against it. It is clear from the terms of the Agreement that cotton is given no additional protection, and, our main buyer of cotton being Japan, if we have to give preferential duty on English cloth, then Japan will naturally retaliate and refuse to buy our cotton. Agriculture will, by that means, suffer. As far as this four annas protection on wheat goes, when we cannot compete with Australian wheat in our own country, and when the freight charges between Australia and Calcutta are cheaper than the freight charges from Punjab to Calcutta, we can hardly expect to compete with Australia and much more with Canada in the British market. That being so, no protection or additional export trade for the agricultural produce can be expected; and there being more duties on the imports which the agriculturist has to pay he suffers a double loss. He is neither provided an additional market for his produce, nor is he given the benefit of buying his goods which are imported into this country from the cheapest market. Under these circumstances, I feel that, representing as I do a purely agricultural constituency, I will not be well advised, until and unless I could be satisfied that some additional protection to agricultural interests and some more additional margin for agricultural interests are accorded, to vote for this Resolution. I have only these words to say.

**Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** (South West Punjab: Muhanmadan): (The Honourable Member spoke in Urdu a translation of which will appear later as an Appendix to these debates.)

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, for the past three days I have been carefully listening to the debate on this very important Resolution. I came here with an open mind, and I keep my mind open still. I must say that I am still unconvinced as regards the necessity for this Resolution, and I am not convinced that this Ottawa Agreement will be of any benefit to my country. In view of the fact that there are many Members on this side of the House who are of the same opinion as mine, and who have not been able to come to any conclusion on the matter even after hearing the various speeches delivered on the subject on both sides, it seems that the suggestion of my friend, Dr. Ziauddin Ahmad, is a reasonable one and Government should accept it. After all, what does the amendment ask? It asks for a little more time to consider the matter fully with the aid of experts. That is the very least thing that the House can accept.

With regard to the amendment of my friend, Mr. Sarma, he says . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): That amendment has not been moved.

**Mr. Amar Nath Dutt**: I think my friend, Mr. Sarma, suggested that the time for consideration should be very short. Probably his idea is that it should be considered within a week or so. I have also gathered from the lobby conversations that the idea of Government is that it should be

hurried, and if there should be any Committee it should report within a week or a fortnight at the most. Sir, I submit that it will be very unreasonable to ask the Committee to come to any conclusion within the short space of a week or a fortnight, because volumes of literature will have to be studied and several blue-books will have to be waded through including numerous figures, and we will also have to try to understand the expert point of view. That being so, the only alternative left to me is either to oppose the Resolution or to support the amendment of my friend, Dr. Ziauddin Ahmad. Sir, I am myself a landholder and, as such, my interests are intimately bound up with the interests of the agriculturists. Members who come from Bengal will bear me out that we have all been hit very hard by the economic depression, and especially by the fall in the prices of agricultural produce in our province. My friend, Mr. Sarma, lays a special claim to speak for Bengal, and he says that is a land of his adoption. I do not deny him the honour, but, at the same time, I think he will not deny that I have a greater right to speak for Bengal than my friend over there. One Honourable Member suggests that he is an adopted son but, even in that case, he can claim the rights of a son according to law. But I do claim to be a true son of Bengal having settled for about a thousand years in the province, after our ancestors migrated from Kanyakubja to the province at the request of King Adisura, who invited five Brahmins and five Kayasthas to Bengal. We are landholders and enjoy Permanent Settlement, and as such our interests are intimately bound up with that of the tillers of the soil. That being so, I think my friend, Mr. Chetty, whom I do not see here, will not sneer at me by saying that I am also a super-patriot if I speak on behalf of the agriculturists as well as the landholding class with whose interests the interests of the agriculturists are intimately connected. In fact, I do think that no benefit will accrue to the agriculturists from the Ottawa Agreement or to the landholding classes of Bengal. Therefore, unless we are convinced of the other advantages to our countrymen, we cannot support this Resolution, and the most we can do is to support the amendment of my friend, Dr. Ziauddin Ahmad.

**Dr. R. D. Dalal** (Nominated Non-Official): Mr. President, in giving my wholehearted support to the motion moved by my Honourable friend, the Honourable the Commerce Member, I desire to refer to one or two points in respect of the Ottawa Agreement. Sir, coming as I do from a distinguished mercantile family in Guzerat, Western India, I have all my life taken a deep interest in commercial matters, so I should be failing in my duty if I did not make a few observations on this important subject. In view of the changes in the Fiscal Policy of the United Kingdom which have taken place as a result of the Import Duties Act, it must be conceded that great losses would accrue to India's export trade from the imposition of the new British Tariff, so the Government of India are in duty bound

**I P.M.** to subserve the welfare and interests of India and to enter into reciprocal Trade Agreement with the United Kingdom. India cannot afford to be indifferent to her own prosperity, and I am sure that the House is not so bankrupt of solicitude for the good of the country that it will throw away this chance. If India will not accept this Agreement, it is but natural that India would run the risk of losing her trade in respect of certain commodities. To cite an illuminating instance, tea is the largest item of India's export trade. If India refuses to accept the Ottawa Agreement, a terrible disaster will overtake the tea industry



[Dr. R. D. Dāsal.]

in India—it would mean a disaster to British capital, Indian capital, and Indian labour. If, as a result of actual experience during a certain period, the expectations of India in respect of growth of trade are not realised, and if the losses are greater than the benefits derived from the Agreement, it will be open to India to terminate the Agreement at six months' notice. I feel confident that the efforts of the present Government to ratify the Ottawa Agreement will be attended with success; but it is just possible that the future Government may terminate the Ottawa Agreement. In view of that contingency it behoves us to look far ahead. India's export trade in respect of tea amounts to £20 millions annually. Sir, in this connection, with your permission, may I address one word of warning to tea planters and tea merchants? I am really at a loss to understand why tea planters and tea merchants scramble for foreign and American markets? Why do they not recognise that they have a most splendid market at their own doors and that they have millions at their own gates? I earnestly hope that tea will become the staple drink of the Indian worker in place of spirituous drinks. If I were a tea planter, I would leave no stone unturned to bring home to all India the advantages of drinking tea as compared with the suffering, misery, and ruin brought on thousands and tens of thousands of families by spirituous drinks. The Government of India and the Indian Delegation have fully safeguarded the economic and fiscal policy of India. For what they have achieved at Ottawa the Indian Delegation deserve great credit; and I feel peculiar pleasure in giving vent to expressions of congratulation to the Leader and Members of the Indian Delegation, and I will go further and say that the Indian Delegation have laid India under an obligation which will not soon be forgotten. So far as I understand the Ottawa Agreement, the position is this—by accepting the Ottawa Agreement India and England will come closer together in a spirit of mutual helpfulness; but by rejecting this offer of reciprocity, India and England will drift apart—what is more, the diversity of views and interests, political and otherwise, will grow acute and will continue to grow more acute, unless something is done to reverse the current, and that something is the ratification of the Ottawa Agreement. Sir, it cannot be expected that this business Agreement affecting many different interests in different ways can commend itself to everybody. But I earnestly hope that this great experiment in promoting economic co-operation will have the warm approval and support of this Honourable House.

**Mr. Bhuput Singh** (Bihar and Orissa: Landholders): In order to discuss the Ottawa Agreement, a few words are necessary to explain the dramatic change in the economic policy of Britain, from free trade to protection, as well as of the British demand for Imperial Preference in recent times. First, the steady decline of British imports into this country in recent years which fell from 64·2 per cent. in 1913-14 to 34·4 per cent. in 1931-32. Next, the Congress boycott of British goods has played not an insignificant part in reducing Britain's share in our imports during the past two years. Over and above this, for causes which were beyond our control, British exports to all countries have been declining for many years past. Britain is thus losing her industrial leadership, which she enjoyed undisputed for a little over a century after the industrial revolution. This has, therefore, been a very serious matter for the United Kingdom, also for the rest of the British Empire; because the United Kingdom, as the Indian

Fiscal Commission described it, is the "heart of the Empire", on whose strength depends the strength and cohesion of the Empire. The strength of the United Kingdom is bound up with the prosperity of its export trade. The conclusion, therefore, follows that "unless the United Kingdom maintains its export trade, the heart of the Empire will weaken, and this is a contingency to which no part of the Empire can be indifferent". From the point of view of India particularly, this is a frightful contingency which must not be allowed to happen. Our responsibility in the matter is all the greater, because India is one of the greatest potential markets for British goods.

We have statistics to show that in 1903 approximately 43 per cent. of our exports went to the British Empire, the average share of the British Empire in our exports during the quinquennium 1927-28 to 1931-32 was 38.4 per cent. Thus, at the present time, a little more than 61 per cent. of our exports find a market in foreign non-British countries. Our exports have successfully competed in foreign markets more by reason of their cheapness rather than for their quality and kind, and in this respect there has been no change for the better during the last thirty years. The steadily rapid decline of British exports since 1920-21 has started the cry for strengthening the heart of the Empire and attempts have now and then been made to that purpose. The recent Ottawa Conference is the ultimate desperate attempt in that direction, and the patent object of Imperial Preference is to exclude imports into India from the countries of Great Britain's rivals. Such being the case, the success of the policy will be judged by the extent to which Great Britain is enabled by this means to recover her lost market in this country. But it is a significant fact that both as regards the volume and the value of the trade, the whole British Empire imports less from India than it exports to that country. In other words, India's trade with the countries intending to join the Imperial Preference system is pronouncedly passive. It stands to reason, therefore, that this circumstance cannot hold out much inducement to Indians to grant those countries additional advantages now in the shape of special preference, because it is vitally important that India should not lose the large trade she is now doing with the rest of the world outside the British Empire.

So, as I have observed already, at present not more than 40 per cent. of her exports goes to the British Empire, while the remaining 60 per cent. is absorbed by other countries and her trade with the latter countries is, to a great extent, active. Commending on this notable fact that the British Empire buys far less from India than it sells in the markets of the countries under the British Empire, the Department of Overseas Trade has made the following remark:

"It is of great potential source of weakness that the United Kingdom should normally take from India a much less value of goods than the exports to India. Apart from the working of economic loss there has, for many years, been a tendency all over the world for a country to purchase its imports from those countries which are the most important customers for its own produce."

The exclusion of the foreigner from the Indian market will reduce his power of purchasing our raw materials. For example, Japan at present utilises something less than half of our exports of raw cotton. It is reasonable to presume then, that Japan will buy less of our cotton if we make it impossible for her to sell her cotton goods in this country. The Imperial Preference would naturally provoke retaliation, in which event the loss of the Indian market abroad will inevitably lead to a reduction in the

[Mr. Bhuput Sing.]

demand for Indian raw materials. I may just mention here in passing that Lord Curzon's Government regarded the danger of retaliation as real and potential when the question of Imperial Preference was once mooted here during his Viceroyalty. Imperial Preference will impoverish the Indian consumers by raising the prices of manufactured goods and it will also impoverish the Indian growers of food stuffs and raw materials by reducing the foreign demand for our exports. Where is the guarantee that as the demand of our exports to foreign countries will decrease as a result of possible retaliation the loss occasioned to us thereby will be made good by a corresponding increase in the demand of the Empire? A country that exports largely food stuffs and raw materials and imports largely manufactured goods can grant preferences of substantial value but receive none of any great value for itself. Take, for example, our wheat exports. The quantity exported in 1931-32 was a little over 20,000 tons valued at 15 lakhs, but in 1924-25 we exported over one million tons of wheat valued at 17 crores of rupees. Will any one show how Imperial Preference will revive our wheat export? Imperial Preference should not, therefore, be acceptable to India as it is a policy conceived wholly in the interests of Britain as it means protection for British manufacturers at the expense of Indian consumers and producers. It really means our political subjection on the one hand and economic disorganisation on the other. Then, again, the Imperial Preference decision arrived at Ottawa has been an one-sided affair so far as this country is concerned. Do we receive any sort of reciprocation from the arrangement? Do we get the free right to immigrate into and colonise the Dominions and Colonies by way of inducement in return? No, there is nothing sanctioned anywhere to that effect. We should, therefore, reject such a selfish and one-sided Agreement which aims at our ultimate economic subjection without conferring on us any tangible benefits, direct or indirect, present or future.

Sir, with these words, I beg to oppose the Resolution.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I do not know the attitude of the Government as regards the several amendments that have been moved and discussed these four days. I think that the Government may be agreeable to accepting the amendment of my friend, Dr. Ziauddin Ahmad, with some alteration, but I am not yet sure whether they have finally agreed to accept that amendment. In any case I think there is no chance of the amendment of my Honourable friend, Mr. Das, being accepted by this House, because I found as if there was a tacit agreement amongst the Members not to refer to the political aspect of this great question. (Sir Muhammad Yakub: "Quite right.") My Party have also decided that they will judge this issue from the economic point of view only. But that is no reason why I should not put forward my personal views on this subject. I think it is agreed that political pressure is the only weapon in the armoury of a subject nation that can be effectively applied to correct the wrong

attitude of the ruling nation and I do not know on what consideration we Indians should, of our own accord, deprive ourselves of this great right. Sir, it has all these years been said that this question of Imperial Preference should only be considered when India has got responsible Government. As a matter of fact, an agreement implies two independent parties who have the free will to exercise their discretion. A consensus of opinion can be expected only from free people. Here of course the Agreement has already been arranged between the British Government and the Indian Government, but its ratification is essential to show that this Agreement is shared by the respective nations. There is no hurry, because it has been admitted by the Honourable the Commerce Member himself that the 15th of November is not now the crucial date. So I do not know what other arguments Government can have not to accept the amendment of my friend, Dr. Ziauddin Ahmad.

From the economic standpoint, even laymen can see that India's export trade with Great Britain is only one-half of that of her trade with other countries. The latest figures show that only 35 per cent. of the export trade is with England, while the remaining 65 per cent. is with other countries. The only reason that has been urged why we should be forced to accept hastily this Agreement is, that, because of the British Import Duties Act there may be a danger of our sustaining losses in respect of the 35 per cent. of our trade with England, but if that be so, I think it applies doubly so far as the other 65 per cent. of our trade with other countries is concerned. The same argument, that because of the British Import Duties Act we may suffer in respect of 35 per cent. of our export trade, doubly applies as regards the 65 per cent. of our trade with other countries. I know my Honourable friend, Mr. Mody, has said that the question of retaliation is not a serious question, but I find, on the authority of a great expert on International trade and finance, Sir Arthur Salter, and he says this, speaking on the Ottawa Agreement:

"Other countries will certainly resent the increased preference in some cases and may translate their resentment into action. Take the case of Canada, for example. She has the closest trade relations with America, and much American capital is invested in the Canadian money market. . . . The new preferences must be mainly at the expense of these customers. An American Bill to introduce a new differential tariff against countries with a depreciated exchange to compensate for the so-called exchange dumping has already been threatened once. But the chances of some such proposal being renewed are obviously increased by the new preferences."

So I think that the question of retaliation from other countries is not a remote possibility when I have it on the authority of such a great International expert and that it may be a probability. So we cannot entirely exclude the idea of our export trade with other countries—which is 65 per cent. and almost double of that with England—suffering and that factor must not be lost sight of.

Then the Honourable Dr. Meek said that these privileges that we are having with England have worked now for the last eight months, and the Honourable Mr. Ghetty suggested that the "super-patriots" of Bombay care certainly at least for their self-interest. Now, Sir, if these preferences that we are getting for the last eight months had been really of any benefit, we could certainly have expected our business men, our merchants and our traders running to the Honourable the Commerce Member for his assistance to get this Agreement accepted by this House. But instead of that we have found in this great House that it is only the two gentlemen who have been parties at Ottawa, and our friends, the Members of the

[Mr. S. C. Mitra.]

European Group, and Government are only anxious to get this Agreement ratified by the House without any response from the Public. No anxiety from those people who, for the last eight months, are supposed to be getting advantages, appears to be evinced, although it is threatened that unless we accept this Agreement they will be deprived of this great advantage. Now the trade people are certainly guided not by any malicious spirit to spite the Government. They are certainly expected to look to their own interest, and the very fact that there is no anxiety on the part of these people shows to my mind at least that a *prima facie* case has not been made out that it is of such great benefit as has been suggested, here from the Government side and the European Group. Further, it has been said that 16 other countries—not the Dominions—but other countries are most anxious to enter into this ring in order to get the advantages. Now, if the ring is enlarged to that extent, then I think the little benefit claimed will be much reduced. Now it is really clever of the British Government, who are now finding the worst competition from outside, to put some pressure on other countries to secure better terms for their own trade that this Pact has been agreed to and not for any advantage to India.

Sir, there has been no contraction for the demands of our produce in the world, nor has there been any unfairness or severity of competition from our rivals for our produce. Our difficulty is really the disastrous fall in commodity prices in India. So, the main argument that we will get a better or wider scope for our exports is really not a point at issue. Further, it is not a fact that we have a surfeit of goods. Increased facilities for the export of raw materials may prejudice the economic development of this country. We have starving millions in India. It is really very doubtful if India will derive any benefit by exporting all her foodstuffs and other raw materials which should really be detained in India for the development of Indian industry and supplying food for her starving millions.

As regards the economic issue, any differential tariff really means a loss to the Government revenue and in this financial stringency this loss of revenue will mean an additional taxation on the people at large or the tariff is to be raised to that extent if the Customs revenue is to supply that deficiency in the Budget. In that case, the consumers shall have to pay ultimately this additional taxation. I think the Honourable the Finance Member said that it would not affect the financial condition in the Budget because of this differential duty. What he expects perhaps is to raise the duties to a certain extent and he contends that if the differential duty of 10 per cent. is maintained, it may not be that the whole amount of this differential duty will affect the finances to the whole extent. That is certainly correct. But it only means that a part of the loss will be met from raised tariff and the other part from the consumers in the shape of higher prices of these commodities.

Sir, I do not like to go into these individual items. The very fact that Britain refused to accept any duty on raw cotton shows that they are certainly anxious to have their raw materials at the cheapest rate and are not very anxious to help Indian agriculture or Indian industry in any way.

Now, Sir, I wish to say just a word or two about the procedure that the Government should adopt as regards the voting on this Resolution. My friend, Mr. Raju, gave notice of a short question to find out whether the Official Members will take part in the Division. I understand that the Honourable the Leader of the House refused to answer it and he wants a regular notice for this question which he would answer after ten days when this matter is likely to be concluded. (Mr. Gaya Prasad Singh: "That is a clever subterfuge.") But if the Leader of the House wants a precedent for the Non-Officials alone to take part in a voting, I can only refer him to the election that takes place for the Public Accounts Committee. In that election, only the Non-Official Elected Members of the House take part in voting and this has been provided by the rules and regulations and the Public Accounts Committee is a Statutory body. So, if the only difficulty of the Honourable the Law Member is to find a precedent for such a procedure, I would invite him to look to the procedure of the election of the Public Accounts Committee.

**Mr. B. Sitaramaraju:** May I interrupt the Honourable Member? In today's papers I have seen that the Secretary of State has said that he is not leaving the matter to the vote of the Non-Official Members of the Assembly.

**Mr. S. C. Mitra:** I am thankful to the Honourable Member for mentioning that fact. I think the Secretary of State is anxious that the Nominated Members who represent in this House labour and other interests should not be deprived of their privilege. I fully agree with him and I shall be the last person to suggest to deprive the Nominated Members of this right.

**Sir Abdulla-al-Māmūn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): But the Nominated Labour Member is already on the high seas.

**Mr. S. C. Mitra:** My friend, Sir Abdulla Suhrawardy, says that the Secretary of State was so much interested in the Nominated Labour Member that he has invited him to England and thus deprived him to exercise his vote here. In any case, my point is that the official block, which represents no body, may not take part in this Division.

Lastly, I would like to say one word about Mr. Chetty's remarks about the Bombay magnates. He said that they were all interested in this affair. I know that the Honourable Mr. Shanmukham Chetty is not in any way interested in these affairs, because yarn is not an article mentioned in this Agreement, nor is sugar mentioned in the Agreement which makes the position of Seth Abdoolah Haroon free, though, I understand, he has ordered for certain machinery from Germany and thus he proposes to do full justice to the Pact. But I have authorities of other experts from my part of the country, men like the President of the Bengal National Chamber of Commerce and other gentlemen, but I do not like to quote their views today, because I understand that Government are in a mood to accept Dr. Ziauddin Ahmad's amendment and, for the present, I think we should keep an open mind before we come to any decision.

**Sir Hari Singh Gour :** Sir, I crave the indulgence of the House, with your permission, to move the following amendment:

"That for the original Resolution the following be substituted :

"That the Trade Agreement made at Ottawa between the Indian and British Delegations be referred for scrutiny and report to a Committee of the Assembly consisting of the Honourable Sir Joseph Bore, the Honourable Sir Alan Parsons, Mr. R. K. Shammukham Chetty, Seth Haji Abdoola Haroon, Mr. F. E. James, Mr. Muhammad Yamin Khan, Dr. F. X. DeSouza, Mr. B. Das, Mr. C. S. Ranga Iyer, Sir Abdur Rahim, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. Sitaramaraju, Sir Zulfiqar Ali Khan, and the Mover, with instructions to report by the 21st November, 1932, and that the further consideration of the Resolution moved by the Honourable Sir Joseph Bore on Monday, the 7th November, 1932, be postponed until the report of the Committee has been presented to the Assembly."

**Mr. D. K. Lahiri Chaudhury** (Bengal: Landholders): May I ask whether experts will be consulted?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): That will arise when the amendment is put before the House. The Chair understands that the leading Members of the Assembly have put their heads together and are asking the Chair to grant permission to Sir Hari Singh Gour to move the amendment which he has just read out. I take it that it is the general wish of the House that the proposed amendment should be allowed to be moved and the Chair grants permission to the Honourable Member to do so.

**Sir Hari Singh Gour:** I shall require very few words to commend my amendment to the acceptance of the House. One of the Honourable Members on my side of the House interjected a query and asked whether experts will be consulted. In fact, it is for the purpose of summoning and hearing experts that we have consented to sit on this Committee, because we are anxious to hear both sides of the case and to thoroughly examine the question in the light of the books that we have read and the examination of experts whom we propose to summon.

**Mr. D. K. Lahiri Chaudhury:** That is all right.

**Sir Hari Singh Gour:** At the same time, we are naturally anxious that our enquiry should conclude as expeditiously as possible and, therefore, we have fixed the date as the 21st November, 1932. With these few words, I commend my amendment for the acceptance of the House.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further amendment proposed:

"That for the original Resolution the following be substituted :

"That the Trade Agreement made at Ottawa between the Indian and British Delegations be referred for scrutiny and report to a Committee of the Assembly consisting of the Honourable Sir Joseph Bore, the Honourable Sir Alan Parsons, Mr. R. K. Shammukham Chetty, Seth Haji Abdoola Haroon, Mr. F. E. James, Mr. Muhammad Yamin Khan, Dr. F. X. DeSouza, Mr. B. Das, Mr. C. S. Ranga Iyer, Sir Abdur Rahim, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. Sitaramaraju, Sir Zulfiqar Ali Khan, and the Mover, with instructions to report by the 21st November, 1932, and that the further consideration of the Resolution moved by the Honourable Sir Joseph Bore on Monday, the 7th November, 1932, be postponed until the report of the Committee has been presented to the Assembly."

**The Honourable Sir Joseph Bore** (Member for Commerce and Railways): Sir, during the course of the debate

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is not replying to the debate.

**The Honourable Sir Joseph Bhore:** I am making merely an explanation. Sir, during the course of the debate, it has, I think, become fairly clear that there is a considerable section of this House that is not opposed to the principle of the Ottawa Agreement. They desire some further time for consideration of its implications, its consequences and its results. There seems to be a general feeling that the House would be greatly assisted if a Committee of this House will sit and examine these results and implications. In so far as we are concerned . . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair does not wish to interrupt the Honourable Member. It would be better if the Honourable Member merely stated that Government would accept the amendment. I will give the Honourable Member a chance, at the conclusion of the debate, to reply and he can then explain his position in full.

**The Honourable Sir Joseph Bhore:** The Government accept the amendment. (Cheers.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): If no other Honourable Member wishes to address the House. I will call upon Sir Joseph Bhore to reply.

**The Honourable Sir Joseph Bhore:** I thank the Chair for the courtesy in giving me this opportunity, but I have nothing further to say at present.

(At the suggestion of the Honourable the President, with a view to maintaining *status quo* by the time the Committee reports, Sir Hari Singh Gour altered his amendment so as to postpone the original Resolution and all the amendments moved thereto until the Report of the Committee has been presented to the Assembly.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That for the original Resolution the following be substituted:

"That the Trade Agreement made at Ottawa between the Indian and British Delegations be referred for scrutiny and report to a Committee of the Assembly consisting of the Honourable Sir Joseph Bhore, the Honourable Sir Alan Parsons, Mr. R. K. Shanmukham Chetty, Seth Haji Abdoola Haroon, Mr. F. E. James, Mr. Muhammad Yamin Khan, Dr. F. X. DeSouza, Mr. B. Das, Mr. C. S. Ranga Iyer, Sir Abdur Rahim, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. Sitaramaraju, Sir Zulfiqar Ali Khan, and the Mover, with instructions to report by the 21st November, 1932, and that the further consideration of the Resolution moved by the Honourable Sir Joseph Bhore on Monday, the 7th November, 1932, and the amendments moved thereon be postponed until the Report of the Committee has been presented to the Assembly."

The motion\* was adopted.

**Mr. D. K. Lahiri Chaudhury:** Sir, I want a ruling on one point. After the publication of the report by the Committee that is to be appointed in

\*On the 15th of November, 1932, with the consent of the House, the form of the motion was changed (*vide* L. A. Debates of that date).



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pursuance of the amendment carried by the House just now, will the same Honourable Members who have already spoken on the Resolution be allowed to speak again?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair does not wish to commit itself at present as to what will be done at the time. It will all depend upon the new matter which may be introduced in the report of the Committee. The new matter so introduced will certainly be allowed to be fully discussed by the House.

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### STATEMENT OF BUSINESS.

**The Honourable Sir Brojendra Mitter** (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 14th. As at present directed by you, Sir, the House will sit for the transaction of Government business on Monday, the 14th, Tuesday, the 15th, Wednesday, the 16th, and Thursday, the 17th. On Monday motions will be brought forward to take into consideration and pass the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932. It has been brought to my notice that copies of the Bengal Act are not yet available in the Library and I have accordingly made arrangements to have copies distributed to Members. The next item which it is hoped to take up before the conclusion of the week is the motion to take into consideration the Bill to amend the Criminal Law, as reported by the Select Committee. I have only to add that on Wednesday, the 16th, the report of the Public Accounts Committee will be presented by the Honourable the Finance Member.

The Assembly then adjourned till Eleven of the Clock on Monday, the 14th November, 1932.

## LEGISLATIVE ASSEMBLY.

Monday, 14th November, 1932.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

### QUESTIONS AND ANSWERS.

**SPEECH DELIVERED BY KHAN SAHIB MALIK KARAM DIN, TELEGRAPH MASTER, LAHORE, IN THE MEETING OF THE INDIAN POSTS AND TELEGRAPHS MUSLIM UNION, LAHORE.**

1109. **\*Mr. B. Das:** (a) Is it a fact that Khan Sahib Malik Karam Din, Telegraph Master, Lahore, delivered a speech in the meeting of the Indian Posts and Telegraphs Muslim Union held in Barkat Ali Hall, Lahore, on the 10th July, 1932 (which is reproduced on pages 5—7 of the *Postal Advocate* for July, 1932), in which he characterised the Hindus as “crafty and wolves in sheep’s clothing, belonging to a class which measures everything in rupees, annas and pies and feeling no scruples to achieve their ends”, condemned Government by remarking that the Muslim interests are not safe even in the hands of Government; and dwelt upon politics by stating that Mahatma Gandhi offered to the Muslims a blank cheque which ultimately proved to be a bait and a hoax?

(b) Is it a fact that the said Khan Sahib is the Secretary of the Telegraph Co-operative Credit Society which has in its fold shareholders of all the chief communities, Hindus, Muslims, Sikhs and Christians, and the Postmaster General, Punjab and North-West Frontier Circle is the *ex-officio* President of the Society?

(c) Was the speech in question specially brought to the notice of the Postmaster General by the shareholders or any other organisation?

(d) If the replies to parts (a), (b) and (c) are in the affirmative, will Government please state whether any action was taken by the Postmaster General, in his capacity as President of the said Society and as head of the Circle, against Malik Karam Din for his above-mentioned utterances?

(e) If no action has so far been taken by the Postmaster General, will Government please state what action is proposed to be taken now?

**The Honourable Sir Frank Noyce:** (a) The attention of the Honourable Member is invited to the reply to part (a) of question No. 123, asked on the 30th September, 1932, in the Council of State.

(b) and (c). Yes.

(d) He has been personally warned by the Postmaster General that a repetition of utterances of this kind will involve serious consequences.

(e) Does not arise in view of the reply to part (d).

## PREPONDERANCE OF MUSLIM POSTAL OFFICIALS AT JHELUM.

1110. \***Mr. B. N. Misra:** (a) Is it a fact that the Postal administration at Jhelum is entirely in the hands of Muslim officers, *viz.*, the Superintendent, Post Offices, the Head Clerk to Superintendent, Post Offices, the Inspector of Post Offices, Jhelum Sub-Division, the Postmaster and Deputy Postmaster, Jhelum, the Town Inspector, Jhelum, and the Head Correspondence Clerk, Jhelum Head Office, are all Muslims?

(b) If the reply to part (a) be in the affirmative, will Government please state why no action has been taken to remove this overwhelming preponderance of Muslim officers at one station?

**The Honourable Sir Frank Noyce:** (a) Except that the Deputy Postmaster, Jhelum, is a Hindu, the facts are as stated by the Honourable Member.

(b) Government do not propose to interfere in the matter which is within the competence of the Postmaster General, Punjab, to whom a copy of the question has been sent.

**Mr. B. N. Misra:** Are Government aware that the Inspector is a resident of the Jhelum district?

**The Honourable Sir Frank Noyce:** I was not aware of that.

**Mr. Muhammad Anwar-ul-Azim:** Will the Honourable Member kindly tell us what is the position of the post offices at Puri and Cuttack, in view of the reply just given to Mr. Misra?

**The Honourable Sir Frank Noyce:** I am afraid I must ask for notice of that question.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state what is the communal policy of Government in keeping Muhammadans or Hindus in one post?

**The Honourable Sir Frank Noyce:** As a rule postings are made without reference to communal considerations.

## DRAWING OF LESS PAY BY CERTAIN OFFICERS OF THE NORTH WESTERN RAILWAY.

1111. \***Dr. Ziauddin Ahmad** (on behalf of Mr. Muhammad Muazzam Sahib Bahadur): (a) Is it a fact that on the North Western Railway certain officers drew pay for February, 1932, for one week only?

(b) Is it a fact that if they had drawn pay for the full month, they would have had to pay a higher rate of income-tax?

(c) Is it permissible for an officer to draw pay for only one week in any month?

(d) If the answer to part (b) be in the affirmative, was it not the duty of the Chief Accounts Officer not to permit such an arrangement?

(e) Will Government state what officers resorted to this practice and whether the Chief Accounts Officer himself was one of them?

(f) What action do Government propose to take against the officers concerned and against a recurrence of this practice?

**Mr. P. R. Rau:** (a) and (e). I am informed that two officers, of whom the Chief Accounts Officer was one, drew pay for only part of February.

(b) Yes.

(c) and (d). The question whether such a practice is permissible under the existing rules is under investigation.

(f) The question is under consideration.

**INTRODUCTION OF AN EQUITABLE SYSTEM OF THE MOVE DOWN TO DELHI BY ROTATION OF THE ARMY HEADQUARTERS CLERICAL ESTABLISHMENTS.**

1112. **\*Mr. Lalchand Navalrai** (on behalf of Mr. S. G. Jog): (a) Will Government be pleased to state whether it is a fact that a certain portion of the Army Headquarters clerical establishments has been regularly moving to Delhi during the winter months and that a certain portion is left at Simla from year to year?

(b) Is it a fact that the majority of the clerical establishments left at Simla during the winter belong to the plains?

(c) Is it a fact that British troops have a fixed duration of service in India and that even during this short period arrangements are made to send them to hill stations to avoid an adverse effect upon their health on account of stay in the plains during the summer?

(d) Have Government considered the question as to whether permanent stay in the rigorous climate of Simla winter with its snowfalls has a similar adverse effect upon the health of persons belonging to the plains as the hot climate of the plains has upon persons belonging to cold countries?

(e) Is it a fact that certain grades of clerical establishments receive no winter allowance at Simla whereas, in addition to the travelling allowance, an allowance of thirty per cent. per mensem is granted to persons of the same grades moving down to Delhi?

(f) Are Government aware that Simla is much more expensive than Delhi and that the establishments remaining in Simla during the winter, particularly those not in receipt of any winter allowance, besides undergoing the rigours of the Simla winter, have to incur considerable additional expenditure in the provision of heating arrangements in their residences, in sending their families to their distant native places in the plains, and in maintaining double establishments?

(g) Is it a fact that certain branches of Army Headquarters which used to move *in toto* in previous years now move in part and certain offices, *e.g.*, Army Department, Royal Air Force (whose Headquarters were at Ambala previously) and the office of the Military Accountant General now move in much greater strength and that the change in moving strength has not resulted in administrative deterioration or efficiency?

(h) Do Government know that the rigours of the Simla winter and the monetary loss involved cause a genuine heartburning amongst the non-moving ministerial establishments of the Army Headquarters offices?

(i) Are Government prepared to take steps:

- (i) to increase the moving strength of the Army Headquarters offices, if necessary by the curtailment of the move of the Attached Offices and Civil Secretariat Offices which have so far been moving *in toto*; and
- (ii) to introduce a system of move by rotation, either of entire offices or self-contained parts thereof, so that all members of the clerical establishments may have an opportunity of passing the winter in Delhi by turn?

**Mr. G. R. F. Tottenham:** (a), (b) and (c). Yes.

(d) I can only say that the practice has been in existence for many years without noticeable ill effects.

(e) Winter allowance is granted to the lower grades of the clerical personnel in Simla: it is not admissible to first division assistants. An allowance on a sliding scale, called the Delhi moving allowance, is granted to all assistants and clerks of Army Headquarters who move down to Delhi, in order to compensate them for being away from their headquarters station and for having to maintain two establishments.

(f) Government do not admit that this is the case.

(g), (h) and (i). The move of any portion of Army Headquarters is determined not by the individual convenience of officers or clerks, but by considerations of administrative efficiency, subject to the restrictions imposed by the limited amount of residential and office accommodation available in Delhi.

This being so, it is not possible either to increase the moving strength of Army Headquarters or to move the offices by rotation.

#### INTRODUCTION OF AN EQUITABLE SYSTEM OF THE MOVE DOWN TO DELHI BY ROTATION OF THE ARMY HEADQUARTERS CLERICAL ESTABLISHMENTS.

1113. **\*Mr. S. G. Jog:** (a) Is it a fact that, as a result of representation made by the clerical establishment employed in the Master General of Ordnance Branch, a certain portion of the establishment of that Branch was included under the "moving" category in 1931 by a corresponding reduction in the moving strength of other branches?

(b) Is it a fact that the Master General of the Ordnance in India, in spite of the small quota of the moving strength sanctioned last year for his Branch, which was previously non-moving, has arranged that, as far as practicable, different self-contained sections of the office should move to Delhi each year so that all members of the establishment may have a chance of moving to Delhi?

(c) Are Government prepared to issue instructions forthwith to Heads of Branches in the Army Headquarters to adopt the system referred to in part (b) and relax the rigid sanctioned strength of officers and clerks for each Branch to enable self-contained parts of offices to move by rotation?

(d) Are Government prepared also to proceed with the question of increasing the moving strength of the Army Headquarters offices and adopting an arrangement of move by rotation, in the case of all Army and Royal Air Force Headquarters offices?

**Mr. G. R. F. Tottenham:** (a) The number of clerks of the Master General of the Ordnance's Branch moving to Delhi was not increased in consequence of representation from the clerical establishment: the increase was necessitated by reasons of administrative convenience and efficiency.

(b) The reply is in the negative.

(c) and (d). No, Sir, for the reasons stated in reply to parts (g), (h) and (i) of the previous question.

#### DEPORTATION OF POLITICAL PRISONERS TO THE ANDAMANS.

**1114. \*Mr. S. C. Mitra:** (a) Will Government be pleased to state how many days before the actual date of deportation it was decided to send the first batch of prisoners to the Andamans?

(b) Are Government aware that on the 11th August, 1932, the Honourable Sir Pravas Chandra Mitter, Kt., Member in charge, Jails, Bengal, made a statement in the Bengal Legislative Council that the date of deportation was not fixed? If so, how was it that the deported prisoners were brought down to Calcutta from their respective jails only two days later, viz., 13th August, and deported on the 15th morning?

(c) If not, will Government be pleased to state the reason for not stating the date of deportation?

(d) Is it not a fact that although queries were made by several relatives of the deported prisoners as to interview and date of departure, no intimation whatsoever was supplied to them?

(e) Is it a fact that no facilities for interview prior to deportation were given and none of the relatives of the deported had any opportunity for the last interview except in the case of two prisoners whose relatives fortunately could arrange interviews on private information received by mere accident?

(f) If so, will Government please state the reasons for keeping even the old parents and wives of the deported in utter darkness about the fate of their dear ones?

(g) Are Government prepared to assure this House that in future no such hush hush policy will be followed and prisoners' relatives will be afforded proper facilities to interview the prisoners before such deportation?

(h) Will Government please state:

- (i) when the next batch will be sent;
- (ii) how many more will be deported;
- (iii) whether their relatives will be timely informed; and
- (iv) whether they will be allowed interviews before departure?

**The Honourable Mr. H. G. Haig:** (a) Nine days.

(b) The Honourable Member in charge of Jails in the Government of Bengal stated on the 11th August that the definite dates of transfer had not been finally settled. The facts are that Government did not fix any date for the transfer of the prisoners. The Inspector-General of Prisons on receipt of the Government order that these prisoners were to be despatched to the Andamans, took steps to collect them at the Alipore

Central Jail with a view to their transfer. As the Andamans steamer was to sail from the port on the 15th August, he fixed that date for the transfer of the prisoners.

(c) Does not arise.

(d) Government received no such queries.

(e) No. Facilities were given for interviews and six prisoners were interviewed by their relatives.

(f) Does not arise.

(g) and (h) (iii) and (iv). Facilities will be afforded as far as practicable.

(h) (i). A date has not been fixed, but it will probably be in January, 1933.

(h) (ii). The number will be decided later.

**Mr. Gaya Prasad Singh:** May I know why this hush-hush policy was adopted by Government? Is it because they apprehended some sort of attack for the purpose of rescuing the prisoners?

**The Honourable Mr. H. G. Haig:** No, Sir; I do not admit that there was any hush-hush policy. Only a short period elapsed between the decision to send these prisoners and the sailing of the ship, and it was on that ground that there was some difficulty in allowing interviews to the relatives of the prisoners who were at some distance from Calcutta.

**Mr. S. C. Mitra:** May I take it that in future relatives of these prisoners will get some opportunity, because transfer to the Andamans means an end of all interviews.

**The Honourable Mr. H. G. Haig:** I think the Honourable Member may be satisfied that, as far as possible, notice will be given to the relatives.

#### FACILITIES FOR POLITICAL PRISONERS IN THE ANDAMANS.

1115. **\*Mr. S. C. Mitra:** (a) Will Government inform the House if it is a fact that the prisoners deported to the Andamans are not getting the same facilities as they used to get in Bengal jails in the matter of writing letters and in the supply of meals and clothes?

(b) Will Government be pleased to state what arrangement has been made for cooking their meals?

(c) Will Government be pleased to state if the prisoners are treated in accordance with their classification?

**The Honourable Mr. H. G. Haig:** (a) No. In general the Bengal rules are followed.

(b) I replied to this question on the 20th September in answer to the Honourable Member's starred question No. 516.

(c) I refer the Honourable Member to the reply which I gave to Mr. Bhuput Sing's starred question No. 294 on the 16th September last.

**ISSUE OF FORTNIGHTLY BULLETINS AS TO THE HEALTH OF THE POLITICAL PRISONERS IN THE ANDAMANS.**

**1116. \*Mr. S. C. Mitra:** (a) Is it a fact that the eldest brother of Sushil Das Gupta, a deported prisoner, sent a reply-paid telegram to Sushil at Port Blair enquiring about his health on the 5th September, 1932, and the reply was suppressed?

(b) Have Government considered whether the health of the deported prisoners will be affected owing to the bad climatic condition of the Andamans?

(c) Are Government aware that the friends and relatives of the prisoners and the general public are much alarmed over the fate of the prisoners and, with a view to allaying such public feeling, are Government prepared to arrange for the issue of fortnightly bulletins as to the health of the deported prisoners?

**The Honourable Mr. H. G. Haig:** (a) The rules permit prisoners to send communications not more than once a month, and this rule is being observed.

(b) I would refer the Honourable Member to the reply which I gave to his starred questions Nos. 514 and 515 on the 20th September, 1932.

(c) Government are not prepared to take the action proposed.

**Mr. S. C. Mitra:** With reference to part (a), may I inquire if the relatives can send a wire reply prepaid to the Superintendent of the jail in order to have information that they are keeping good health, when there are rumours that they are not keeping good health?

**The Honourable Mr. H. G. Haig:** I am afraid the system of reply paid telegrams cannot be used to defeat the ordinary rules in jails.

**Mr. S. C. Mitra:** Will they specially consider the case of the deportees transferred to such an unhealthy place as the Andamans, when there are all sorts of rumours and their relatives are really apprehensive about their health? In that case will it be possible for Government only to say that they are keeping good health, when they get these reply prepaid telegrams?

**The Honourable Mr. H. G. Haig:** I see no reason for any departure from the ordinary rules.

**TEMPORARY STAFF ATTACHED TO THE OFFICES OF THE ACCOUNTANT GENERAL, BENGAL, AND THE LATE EXPERIMENTAL ACCOUNTS AND AUDIT OFFICES AT CALCUTTA.**

**1117. \*Mr. S. C. Mitra:** (a) Will Government please refer to their answers to my starred questions put in this House in the Session of September, 1931, regarding temporary staff attached to the offices of the Accountant General, Bengal, and the late Experimental Accounts and Audit Offices at Calcutta, and state what action, if any, has since been taken to confirm all these men in service, who are now working in the offices of the Accountant General, Bengal, and Deputy Accountant General, Central Revenues, Calcutta? If not, why not?



(b) Is it a fact that a number of temporary men, employed in the office of the Accountant General, Bengal, Calcutta, whose dates of first appointment in service are later than that of the temporary men employed in the late Experimental Accounts and Audit Offices, Calcutta, have been made permanent after 26th March, 1926, in the parent office (*viz.*, Accountant General, Bengal), in contravention of the Auditor General's orders conveyed in his Circular letter No. 1474-E./441-A.-/25, dated the 26th March, 1926?

(c) Is it a fact that the orders contained in the Government of India, Finance Department, letter No. D.-4523-Ex. I-31, dated the 9th July, 1931, debarring the confirmation of men appointed after 16th July, 1931, do not apply to any of these men? Do Government know that these men are still in temporary status due to the non-observance of the Auditor General's Order of 1926 quoted above?

(d) Is it not a fact that the temporary service rendered by the men employed in Sukkur Barrage Audit Office has been allowed to count for leave and pension in Government of India, Finance Department, letter No. 2353-F. E., dated the 29th September, 1923? If so, do Government propose to count the past temporary services of these men, rendered in the Experimental Accounts and Audit Offices, Calcutta, towards leave and pension, when they are eventually made permanent?

(e) Are Government aware that these men are serving temporarily for periods even extending over eight years? Are Government prepared to exempt them from medical examination under Fundamental Rule 10?

(f) Is it a fact that certain privileges regarding leave are enjoyed by the temporary staff of the office of the Comptroller, Assam, whose services were over five years? If so, are Government prepared to extend to these men all those privileges enjoyed by permanent men during the period for which they are kept as temporary?

(g) Are Government aware that during last retrenchment some of these men were discharged and subsequently re-employed on the minimum pay of their time-scale?

(h) Is it a fact that their discharge is due to proper effect not being given to the Auditor General's order of 1926 at the right time? If so, do Government propose to re-employ them on their old pay and condone the breaks in their services at the time of their confirmation? If not, why not?

**The Honourable Sir Alan Parsons:** (a) The question of bringing on to a permanent footing such temporary posts as are permanently necessary in the two offices is under consideration. No special action has been taken in regard to the confirmation of the temporary men in these offices; the question of their confirmation will be considered in the usual course as vacancies occur.

(b) The attention of the Honourable Member is invited to paragraphs 2 and 4 of the note sent to him in connection with his starred question No. 1149, asked on the 3rd October, 1931. A copy of the note is laid on the table.

(c) Yes. In this connection also I would refer the Honourable Member to the note just mentioned.

(d) The answer to the first sentence of this part is "Yes", and to the second, "No". If the temporary posts held by these men eventually

become permanent, their past temporary service will count for leave and pension under the existing rules. Government do not propose to grant any further concession.

(e) Some men may have put in temporary service extending to about eight years; but all accepted employment with the full knowledge that it was purely temporary. Government are not prepared to allow a wholesale exemption from medical examination.

(f) So far as Government are aware, no such privilege is enjoyed by the temporary staff of the office of the Comptroller, Assam, but an enquiry is being made on the point.

(g) Yes. At the time of discharge, the men received certain money concessions which, it was intended, should wipe off all their claims on Government in respect of their past service.

(h) Here, again, the Honourable Member's attention is invited to the note mentioned above. Government are not prepared to issue general orders on this point, but individual cases of hardship will be considered if and when they are represented through the usual official channel.

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*Note explaining the procedure followed in regulating the discharge of temporary surplus personnel in connection with the amalgamation of accounts and audit offices at Calcutta.*

In connection with the amalgamation of accounts and audit offices at Calcutta some difficulty has arisen in regard to the procedure to be followed in regulating the discharge of temporary surplus personnel. A similar difficulty is also sure to arise in connection with the amalgamation at Delhi. The problem is both important and somewhat complicated. Representations have been received from the staff of the offices which are going to be abolished and counter representations have been received from the staff of the offices with which they are to be amalgamated.

2. Briefly, the position regarding the staff employed in the experimental offices (outside the United Provinces and excluding the Central Accounts Office, P. W. D. and the treasury branches at Delhi and Bangalore) is as follows:

When the experimental offices were formed they took over work and personnel from the offices of certain Accountants General. In Calcutta the work and personnel were taken over from the offices of the Accountant General, Central Revenues and the Accountant General, Bengal—largely from the former. In consultation with the Officer on Special Duty (Mr. Jukes) the Auditor General held in 1926 that the new offices being still on an experimental footing could not be regarded as constituting separate entities. It was accordingly decided that the cadres of those offices should be treated as sub-divisions of those of the parent offices and the staff was thus considered as being borne on the cadre of the parent office. The permanent staff taken over continued to be borne on the cadre of the offices to which they originally belonged and the additional temporary staff sanctioned for the experimental offices was treated as temporary additions to the cadre of certain offices declared as the parent offices. For example, the Accountant General, Central Revenues, was considered as the parent office for the temporary staff at Delhi (excluding those in the Central Accounts Office, P. W. D.) and the Accountant General, Bengal, for those at Calcutta. In practice, recruitment to (and discharges in) the experimental offices were, however, made independently by the Officer on Special Duty. The heads of parent offices also confirmed the temporary staff working in their own offices ignoring the claims of the staff working in the experimental offices. In April last, on a representation received from the latter, the Auditor General re-affirmed the principles, laid down in 1926; but at the same time he observed that it would not be possible to put these into actual operation until financial conditions improved and the future constitution of accounts offices was more certain and that it was unlikely that any temporary men would be confirmed in the current year in view of the contemplated reduction in establishments. Although there has been no occasion for filling up vacancies permanently

since those orders were passed, the principle of common roster was applied in one case of discharge.

3. In connection with the impending reduction of establishment consequent on the amalgamation of accounts and audit the temporary staff of the experimental offices at Calcutta claim, with reference to the orders cited above, that the discharge of surplus should be regulated with reference to a common roster of staff in the 'parent' office and its offshoots—as had been done in one instance referred to above. The staff of the office of the Accountant General, Bengal, however, urge that the orders of 1926 gave the staff of the experimental offices only a theoretical right to be shown on the same cadre, that those orders had not been acted upon till 1931, that the orders of 1931 were no longer applicable as the circumstances in which those orders were passed had changed entirely and that as the staff of the experimental offices was recruited independently to purely temporary offices they had strictly no claim for retention in the office of the Accountant General, Bengal.

4. I have discussed the case with the Auditor General and the Controller of Civil Accounts and after a careful examination of the position the following conclusions were reached in the matter :

- (a) Having regard to the fact that the offices created in connection with the scheme for the separation of accounts from audit were definitely regarded as experimental and the nature of work done in the parent offices and their offshoots was more or less the same, it was considered that the orders of 1926 were strictly correct and that they were rightly reaffirmed in 1931;
- (b) It was inadvisable and impracticable to reopen the question of the non-observance of those orders till 1931. Permanent appointments already made must stand;
- (c) The status of the additional staff employed in the experimental offices was essentially temporary, although they were sometimes loosely called "quasi-permanent";
- (d) The discharge of surplus staff should be regulated with reference to a common seniority list of all the temporary staff working in the experimental offices and the offices which were specified as their parent offices, thus ensuring the retention of men with longer service and larger experience.

5. In this connection it must be mentioned that there are two subsidiary points which also require to be settled. The first point (which is probably peculiar to the Calcutta offices only) relates to the period for which the principle of common roster should be observed. At Calcutta the principle should presumably be observed (with reference only to and) until all the men on the list of temporary staff as it stands on 30th November 1931 are confirmed in either of the two offices, namely, the offices of the Accountant General, Bengal, and the Deputy Accountant General, Central Revenues. In other places there is no difficulty as (except at Peshawar to which the proposals in this note are not applicable as explained below) no new combined accounts and audit offices will be created as a result of the amalgamation.

The other point relates to the concessions granted to the surplus temporary staff of the experimental offices who may be discharged. The concessions in question are also apparently admissible to the staff who might be discharged in the parent offices as a direct result of the amalgamation and the decision to discharge from a common roster.

#### INSUFFICIENCY OF CLOTHES PROVIDED FOR PRISONERS IN THE AJMER CENTRAL JAIL.

1118. \*Mr. S. C. Mitra: Are Government in a position now to answer the following questions put by me on the 29th March, 1932, viz., "Is the practice of supplying only one garment to prisoners prevalent in all the Centrally-administered areas? Has the prisoner to remain almost naked in all those prisons while that garment is being washed, or is that practice confined to the Ajmer Central Jail only"?

The Honourable Mr. H. G. Haig: I called for the information on receipt of notice of the present question and will communicate it to the House in due course.

**REMISSION OF ONE MONTH'S SENTENCE TO A CONVICT NIGHT WATCHMAN FOR BEATING A POLITICAL PRISONER IN THE CENTRAL JAIL AT AJMER.**

1119. **\*Mr. S. C. Mitra:** Are Government aware of the fact that Siddiq, a convict night watchman, was awarded one month's remission for assaulting and beating a political prisoner named Lalchand in the Central Jail at Ajmer?

**Mr. H. A. F. Metcalfe:** With your permission, Sir, I propose to answer questions Nos. 1119 to 1126 together. The information is being collected and will be given to the House in due course.

**STANDING HANDCUFFS GIVEN TO ONE JUGRAJ IN THE AJMER CENTRAL JAIL.**

†1120. **\*Mr. S. C. Mitra:** Is it a fact that a person named Jugraj in the Ajmer Central Jail is mentally defective and that he is still sentenced to one year's rigorous imprisonment? Is it a fact that the same person was given standing handcuffs for not being able to grind his full quota of 15 seers?

**BEATING OF A POLITICAL PRISONER BY THE JAILOR OF THE AJMER CENTRAL JAIL.**

†1121. **\*Mr. S. C. Mitra:** Are Government aware of the fact that the Jailer of the Central Jail, Ajmer, beat Narain Singh, a young C class political prisoner, with a ruler on the 29th February, 1932, when the latter was on a hunger-strike?

**DENIAL OF FACILITIES TO POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.**

†1122. **\*Mr. S. C. Mitra:** (a) Is it a fact that C class political prisoners in the Ajmer Jail were deprived of the books and blankets duly allowed to them without showing cause to them for this action, and that they were left to sleep on the very rough *munja* straw mats and to shiver in the cold nights with one blanket only? Can a prisoner, according to the jail rules, borrow a book for sometime from his fellow-prisoner belonging to the same class? If so, why were such books confiscated in the Ajmer Jail?

(b) Is it a fact that Pandit Laduram Joshi was punished with one week's solitary confinement when he asked the Deputy Jailer to return the above to the prisoners?

(c) Was the confiscation of blankets and books a jail punishment? If so, why was it not recorded on the prisoners' tickets? Was the confiscation with or without the permission of the Superintendent? Are Government aware of the fact that the Superintendent flatly refused to give any hearing to Messrs. B. S. Deshpandi, Jainarayan Vyas, Nityanand Nagar, Swami Kumaranand, Vajjnath Mohodya and others, when they stood to make complaints against the confiscation of books and blankets and against the half baked *rotees* supplied to the prisoners?

**SLAPPING OF A LAME POLITICAL PRISONER IN THE AJMER CENTRAL JAIL.**

†1123. **\*Mr. S. C. Mitra:** Is it a fact that Tara Singh, a lame political prisoner in the Ajmer Central Jail, was slapped by the orders of the

†For answer to this question, see answer to question No. 1119.

Jailor for not being able to act up to the cautions of the Jamadar on the day of the search? Was he exempted from the parade and absolutely untrained?

#### LOSS OF WEIGHT OF CERTAIN POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1124. **\*Mr. S. C. Mitra:** (a) Are Government aware of the fact that Messrs. Nityanand Nagar, Kishore Bhai Sharma, Krishnanand and Hari Shanker, political prisoners in the Ajmer Central Jail, have each lost about 20 lbs. or more and yet suitable food is not being supplied to them?

(b) Are Government aware that prisoners losing weight are sometimes recommended hospital diet which consists of six *chhataks* of boiled rice and a pound of watery milk? Are Government aware that this diet is utterly insufficient to give a man adequate nourishment so as to enable him to regain his lost weight and vigour? Do Government propose to instruct the local authorities to improve the hospital diet both in quality and in quantity?

#### ILL-TREATMENT OF CERTAIN POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1125. **\*Mr. S. C. Mitra:** (a) Is it a fact that the non-official visitors recently appointed for the Ajmer Central Jail did not make any inquiries from the political prisoners, that they did not even acquaint either the political or the ordinary prisoners with their commission and that when the C class political prisoners themselves approached Mr. Dhan Pershad, Vakil, he refused to hear their complaints about the food and treatment accorded to the political and ordinary prisoners?

(b) Is it a fact that the Jailor had sent Mr. Hari Kinker, who is suffering from piles, to the jail kitchen? If so, why?

(c) Is it also a fact that Swami Kumaranand, Shri Jainarain Vyas and Mr. Ganeshi Lal also were sent to the kitchen? If so, why? Is it a fact that they complained against the jail food to Mr. Dhan Pershad, Vakil, the non-official visitor?

#### SUPPLY OF ONLY ONE MEAL TO "C" CLASS POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1126. **\*Mr. S. C. Mitra:** Is it a fact that "C" class political prisoners were given food only once a day for nearly four or five days in the beginning of October, 1982, in the Ajmer Central Jail?

#### PROMOTION OF INDIAN STATION MASTERS ON THE NORTH WESTERN RAILWAY.

1127. **\*Mr. Lalchand Navalrai:** (a) Is it a fact that previously on the North Western Railway lower grade posts of station masters were given to Indians and higher grade posts to Europeans and Anglo-Indians and that these higher grade posts of station masters were filled from Europeans and Anglo-Indian guards?

(b) Is it a fact that eight grades of station masters have been made irrespective of caste and creed? If so, when? Is this rule in practice?

(c) Is it not a fact that Indian station masters with long service and more practical experience are still deprived of the higher jobs and these jobs are still given to guards having a short service and without any practical experience?

(d) Will Government be pleased to state how many Indian station masters of the lower grade have been taken in grades 4 to 8 since these grades have been adopted and how many guards have been given these jobs?

(e) Will Government be pleased to state how many Indian station masters are officiating in grades 4 to 8 and how many guards?

(f) Will Government be pleased to state how many Assistant Controllers and Traffic Inspectors are there on the North-Western Railway and how many of such posts have been given to Indian station masters?

**Mr. P. R. Rau:** I have called for certain information and will lay a reply on the table in due course.

#### RECRUITMENT OF THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE DIRECTOR OF CONTRACTS.

1128. **\*Mr. Lalchand Navalrai:** (a) Is it a fact that when the Director of Contracts, Army Headquarters, wanted to take recruits for his clerical establishment through the Public Service Commission, he advanced the reason that he wanted clerks possessing commercial and business experience and knowledge?

(b) Has that consideration always prevailed in the appointments that he has since made in the clerical establishments of his office, or when clerks have been promoted to higher grades?

(c) Will Government please state what business or commercial qualifications the undermentioned clerks possess:

- (1) R. S. Tawakley,
- (2) D. N. Tewary,
- (3) K. K. S. Ayyar,
- (4) Sumair Chand,
- (5) J. N. Mustafy,
- (6) S. K. Mukerji,
- (7) H. K. Joshi, and
- (8) B. Nathaniel Sarebar?

(d) Is it a fact that Nos. 1, 2 and 3 above have failed to qualify for the First Division, but are now actually holding First Division appointments in the Director of Contracts' office?

(e) Is it a fact that Nos. 4, 7 and 8 have qualified only for the Third Division, but are holding posts in the Second Division?

(f) Is it a fact that No. 6 failed even to qualify for the Third Division, but is actually holding a Second Division appointment?

(g) Is it not a fact that candidates who failed to qualify at an open competition in the Public Service Commission secured employment in the office of the Director of Contracts?

(h) Are Government prepared to consider the question of reverting to the previous practice of recruitment through the Public Service Commission?

(i) If men of commercial and business knowledge are required, cannot the Public Service Commission recruit such men, as is done in the case of other superior and technical services, *e.g.*, Railways, Forests, Education, etc.?

(j) Will Government please say what is the justification for permitting the Director of Contracts only to recruit his clerks direct, and not through the Public Service Commission?

(k) Do Government propose to make it a rule that recruitments in all departments of service in India should be made by competition through the Public Service Commission? If not, why not?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) No person is appointed on probation unless the Director is satisfied that he possesses the necessary experience or aptitude, or has been suitably trained; and in no case is a man confirmed in his appointment or promoted to a higher grade, until he has proved his fitness for the higher class of work peculiar to the Directorate.

(c) Government are not prepared to publish the qualifications of individuals in their service. In any case only one of the clerks mentioned was recruited since 1928 when appointments for the Contracts Directorate were made independent of the Public Service Commission.

(d), (e) and (f). The answer is in the affirmative, but it was a feature of the arrangements sanctioned in 1928 that the clerical establishments of the Contracts Directorate should be exempted from passing the Public Service Commission promotion tests.

(g) There may have been a few such cases.

(h) Government see no reason to reverse their present policy in this matter.

(i) and (j). Government consider that the Director is the best judge of the type of recruits required for his office.

(k) No, Sir. Recruitment by competitive examination is not suited to the requirements of all services.

**Mr. Lalchand Navalrai:** May I know whether it is not the policy of the Government to get men who have passed the Public Service Commission examination? Is it not a fact that all men should pass the Public Service Commission Examination? Has that rule been relaxed?

**Mr. G. R. F. Tottenham:** Yes. The rule in this particular department, I mean the Contracts Directorate, is that recruitment should be made independently of the Public Service Commission. This is the only department of the Army Headquarters in which such a rule is in force.

**Mr. Lalchand Navalrai:** What are the reasons for it? Why has an exception been made in that department alone?

**Mr. G. R. F. Tottenham:** Because of the special nature of the work done in the Contracts Directorate. The work done in that Directorate is much the same as the work done in a business firm, which buys and

sells goods; and it is considered that men are required with special experience of, and aptitude for, business matters and procedure.

**Mr. Lalchand Navalrai:** Are those men recruited by Government or through contractors?

**Mr. G. R. F. Tottenham:** They are recruited by Government.

**Mr. Lalchand Navalrai:** If they are recruited by Government, why should there be a distinction made in the case of these men alone?

**Mr. G. R. F. Tottenham:** Because it is considered that it is not so easy to get men with the qualifications and aptitude required by means of a competitive examination as it is by actual selection and personal knowledge.

**Mr. Lalchand Navalrai:** That is to say, the Government make those people easier to get in or accept men with lesser qualifications.

**Mr. G. R. F. Tottenham:** They accept men with the necessary qualifications.

**Mr. Lalchand Navalrai:** And not such men who pass the Public Service Commission test?

#### STOPPAGE OF INTERVIEWS WITH MAHATMA GANDHI IN JAIL.

1129. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to make a full statement as to why interviews with Mahatma Gandhi were stopped immediately after the altered provisions of the Communal Award were accepted by His Majesty's Government?

(b) What reasons had Government to discontinue visits even to certain leaders who had actually moved in that direction with Mahatma Gandhi?

**The Honourable Mr. H. G. Haig:** I invite the Honourable Member's attention to the reply I gave on the 7th November, 1932, to a question on the subject by Mr. B. Das.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to say whether it is not a fact that since then Mahatma Gandhi has been allowed to have interviews with regard to the question of the Depressed Class people?

**The Honourable Mr. H. G. Haig:** Since when?

**Mr. Lalchand Navalrai:** Since the answer was given.

**The Honourable Mr. H. G. Haig:** No, Sir; the answer was given in explanation of the facilities that were being allowed to Mr. Gandhi.

**Mr. M. Maswood Ahmad:** Are Government prepared to allow interviews with Mr. Gandhi and to extend those facilities to him to help him to take part and bring about the Hindu-Muslim settlement if an assurance is given that such conversations would be restricted to that particular issue only?



**The Honourable Mr. H. G. Haig:** I explained, Sir, on the previous occasion that Government were only prepared to give certain exceptional facilities to Mr. Gandhi, namely, to deal with the question of the removal of untouchability, and that they were not prepared to extend those facilities for taking part in discussions in connection with Hindu-Muslim questions.

**Mr. M. Maswood Ahmad:** Even if the assurance is given that the discussions will be restricted to that one issue only?

**The Honourable Mr. H. G. Haig:** The Honourable Member is looking at the matter in a different perspective from that of mine. Mr. Gandhi is detained in jail on account of civil disobedience which is still his avowed programme. A prisoner must necessarily suffer from disabilities and cannot expect to take part in the ordinary public life of the country. That, I think, provides a sufficient answer for what I have said just now that Mr. Gandhi cannot be allowed to take part in these Hindu-Muslim conversations as long as he is a State Prisoner.

**Mr. Gaya Prasad Singh:** Is there any connection between the settlement of the Hindu-Muslim question and the civil disobedience movement?

**The Honourable Mr. H. G. Haig:** No, Sir; there are certain disabilities which attach to Mr. Gandhi as a State Prisoner.

**Mr. Gaya Prasad Singh:** Then why were they removed when the Depressed Classes question was under discussion?

**The Honourable Mr. H. G. Haig:** I went into that question very fully last time. I said that this question of the removal of untouchability had nothing whatever to do with politics—a point which has been very much emphasised by Mr. Gandhi himself; and to use his own words, it is a moral and a religious reform.

**Mr. Gaya Prasad Singh:** So far as the settlement of Hindu-Muslim question is alleged to be a political question, do I take it that it is against the Government Servants' Conduct Rules for any official of the Government to encourage such settlement?

**The Honourable Mr. H. G. Haig:** I cannot understand the relevance of my Honourable friend's question.

**Mr. Gaya Prasad Singh:** It is for the Honourable the President to decide whether my question has any relevance or not, and it is not for the Honourable Member. . . .

**The Honourable Mr. H. G. Haig:** I thought I was giving an opportunity to the Honourable Member of explaining the relevance. I was quite sure that he would be able to give some explanation of what appeared to me I think to be an irrelevant question.

**Mr. Gaya Prasad Singh:** The Honourable Member said on the last occasion that the settlement of the Hindu-Muslim question was a political question, but do not the Government Servants' Conduct Rules prohibit a

Government official from taking part in political questions? Do I take it, therefore, that for any official to encourage the settlement of the Hindu-Muslim question is tantamount to taking part in a political question, and to that extent it is forbidden under the Government Servants' Conduct Rules?

**The Honourable Mr. H. G. Haig:** I think the Honourable Member applies a somewhat restricted meaning to the rules in the Government Servants' Conduct Rules. Government servants under present conditions have in fact to deal with a great many political questions as is shown by the presence of a number of Government servants in this House.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to say whether, if the Unity Conference arrives at an agreement, Mr. Gandhi will be permitted to take part and intervene in the settlement of the Hindu-Muslim question?

**The Honourable Mr. H. G. Haig:** I think, Sir, the mere fact that, as is reported in this morning's telegrams, an agreement has been reached (which, I am sure, will be a peculiar satisfaction to the Honourable Member himself, in that the question of the separation of Sind has been settled) shows there is no necessity for Mr. Gandhi to intervene in this question.

**Mr. Lalchand Navalrai:** Am I to understand, then, that even if the Hindus and Muslims come to an agreement, Mahatma Gandhi will not be allowed to take part in these discussions?

**The Honourable Mr. H. G. Haig:** I would remind the Honourable Member that Mr. Gandhi is a State Prisoner and must be treated as such.

#### STOPPAGE OF INTERVIEWS WITH MAHATMA GANDHI IN JAIL.

1190. **\*Mr. Lalchand Navalrai:** (a) Has Government's attention been drawn to a cable published in the press sent by Sir Tej Bahadur Sapru to his London friends stating that he and his friends talked with Mahatma Gandhi in the Yeravda Prison on the general situation and believed that further exchange of ideas would have led to the restoration of conditions conducive to joint work; that after his return to Allahabad Mr. Jayakar and Mr. Kunzru saw the Mahatma and that they made a distinct advance towards bringing about peace in the country and that he regretted that further opportunities of carrying on conversations with Mahatma Gandhi should have been abruptly denied to men of standing and record who had gathered at Poona?

(b) Have Government any doubt about such a statement? If not, how do they justify their action?

(c) Do Government propose to take steps to facilitate unrestricted interviews to such men with Mahatma Gandhi for the aforesaid object? If so, what steps do Government propose to take? If not, why not?

**The Honourable Mr. H. G. Haig:** (a) I have seen a press report of the cable referred to by the Honourable Member.

(b) and (c). I invite the Honourable Member's attention to the reply I have just given to question No. 1129.

# APPOINTMENT OF A MUSLIM NON-MATRIC IN THE KARACHI CUSTOMS.

1181. **\*Mr. Lalchand Navalrai:** (a) Has Government's attention been drawn to a letter by "a Muslim Graduate" published in the *Sind Observer*, dated the 23rd June, 1982, under the caption "Karachi Customs—men of influence alone get jobs"?

(b) Is it a fact as stated therein that a post of a preventive officer carrying a salary of about Rs. 200 has been given to a Muhammadan ex-student of the matriculation class only in preference to Muslim graduates?

(c) If the answer be in the affirmative, will Government be pleased to state why such a glaring inequity was perpetrated?

(d) Is it a fact that the person who got the job had got influence exercised over the officers concerned and were any recommendations made for him?

(e) What do Government propose to do in the matter?

**The Honourable Sir Alan Parsons:** (a) A copy of the letter has been obtained and seen by me.

(b) Yes, but in an acting vacancy on Rs. 130 per month (less 10 per cent.).

(c) The possession of higher educational qualifications does not necessarily give a better title to appointment in the Customs Preventive Service: other considerations such as good physique, active habits, etc., are as essential as higher educational qualifications.

(d) No.

(e) Nothing.

**Mr. K. Ahmed:** Is it not a fact that the Collector of Customs, Calcutta, wrote a letter to a certain association, and the Secretary of that association, who is an M. L. A., received a letter from the predecessor of Mr. Hardy who was Collector at the time, that, unless these Muhammadans pass a certain test examination and their merits and qualifications are decided these questions cannot be decided, and may I ask whether this was not accepted by the then the Honourable the Finance Member? Did he not classify Muslim candidates after their test examination and recorded their names in the Waiting List according to their merit? Will the Honourable Member revise his answer?

**The Honourable Sir Alan Parsons:** I am afraid I must ask the Honourable Member for notice. I am dealing here with an appointment in the Karachi Customs Office, and I do not think I have seen the letter to which he refers.

**Mr. K. Ahmed:** It is a distance of 3,000 miles no doubt, but how can the principle be different?

**Mr. Lalchand Navalrai:** Will Government be pleased to state whether there is any difference recognised by the Government in qualifications for temporary and permanent appointments?

**The Honourable Sir Alan Parsons:** Again, I should have to ask for notice. I do not remember the exact terms on which recruits are taken for temporary or permanent service as preventive officers.

**Mr. Lalchand Navalrai:** May I then ask why a matriculate was preferred to a graduate even for this temporary post, and what were the qualifications of the matriculate to supersede others?

**The Honourable Sir Alan Parsons:** For reasons which I gave in answer to part (c) of the Honourable Member's question, educational qualifications are by no means the only qualifications required, but I am sure the Collector of Customs considered that this candidate was the best qualified candidate from all points of view.

**Mr. Lalchand Navalrai:** May I know what other qualifications influenced the Customs Officer in making this appointment?

**The Honourable Sir Alan Parsons:** I presume, from the information which I have received in answer to the question of my Honourable friend, that this particular gentleman had a good physique and was of active habits.

**Sir Muhammad Yakub:** To what community does he belong?

**The Honourable Sir Alan Parsons:** Muslim.

#### FILLING UP OF APPOINTMENTS BY COMPETITIVE EXAMINATION.

1132. **\*Mr. Lalchand Navalrai:** (a) Has Government's attention been drawn to the last portion of the letter referred to in the preceding question making a demand that appointments among Muhammadans should now go by competitive examinations conducted by the Public Service Commission?

(b) Will Government be pleased to state if, in view of the competition that now occurs even amongst Muhammadans, they are prepared to fill up appointments by competitive examinations without any invidious communal distinctions?

(c) If not, will Government make a full statement with reasons for not doing so?

**The Honourable Mr. H. G. Haig:** (a) I have seen the letter.

(b) and (c). The argument in the letter is that posts reserved for Muslims should be filled by competitive examination among themselves. This is quite different from the Honourable Member's suggestion that all appointments should be made by competitive examination without any reservation for minority communities. Such a procedure would be contrary to established Government policy and there is no intention of adopting it.

#### CONSTITUTION OF THE BRITISH MEDICAL COUNCIL IN ENGLAND.

1133. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to give information as to how the British Medical Council in England is constituted and who possess its franchise?

(b) Is it composed of elected members or of both elected and nominated? If of both, in what proportion?

(c) Has it a nominated or elected President?

(d) Does each medical faculty elect members or the Senate, and how many?

(e) Have the medical graduates and licentiates respectively a direct representation on the Council? If so, to what extent?

(f) Is there an executive committee to the British Medical Council, and how is it formed?

(g) What are the functions of the said executive committee?

**Mr. G. S. Bajpai:** (a) and (b). The Council consists of 18 members appointed by the Universities in the United Kingdom having Medical Faculties, nine members appointed by medical corporations such as the Royal College of Physicians and Surgeons, five members appointed by His Majesty in Council and six members directly elected by members of the profession as a whole. To these are added three dentists who are members of the Dental Board and are appointed for dental business.

(c) It has an elected President.

(d) Generally it is not the Medical Faculty of the University but the Academic Governing Body that appoints the member.

(e) Medical graduates and licentiates have no separate representation. The representatives are practitioners elected, four from England, one from Scotland and one from Ireland, by ballot of all the members of the profession having registered addresses in these countries, respectively.

(f) There is an Executive Committee which is appointed by the General Council. The number of members is not fixed in the constitution; only it is provided that the quorum shall not be less than three.

(g) The General Council may delegate any of its powers and duties to the Executive Committee except the power of making representations to His Majesty in Council.

#### MEDICAL LICENTIATES OTHER THAN GRADUATES IN ENGLAND.

1134. **\*Mr. Lalchand Navalrai:** (a) Is there a class of medical licentiates other than graduates in England?

(b) Are the medical licentiates on the register of the British Medical Council?

(c) Is there any difference in the recognition of the graduates and licentiates? If so, what?

**Mr. G. S. Bajpai:** (a) Yes, but there is one uniform minimum standard of instruction and examination which applies equally to licentiates and graduates.

(b) Yes.

(c) There is no difference in the recognition of graduates and licentiates.

**Mr. Lalchand Navalrai:** What kind of examination is that which is general for the licentiates and graduates?

**Mr. G. S. Bajpai:** I am afraid I could not give particulars of the syllabus of examination for licentiates.

**PURCHASE BY A MEMBER OF THE RAILWAY BOARD OF A LANDED PROPERTY IN BARARA ON THE NORTH WESTERN RAILWAY.**

1135. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to enquire and state how far it is true that the Railway Board Member responsible for the invention of the Hayman-Mohindra punches has purchased a big landed property in Barara on the North Western Railway in his own name or in the name of his relative?

(b) Is it true that on occasions mistries and other workmen of the Engineering Department, North Western Railway, Delhi Division, are utilised in the said estate?

**The Honourable Sir Joseph Bhoré:** (a) Government understand that one of Mr. Hayman's sons has a property valued at rupees eight thousand at Barara.

(b) No.

**PURCHASE OF BAGS FOR HAYMAN-MOHINDRA PUNCHING MACHINES.**

1136. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state with reference to their reply to a question in the last Session of the Legislative Assembly that Hayman-Mohindra punches can be conveniently put in pockets? If so, why bags have been supplied for the purpose?

(b) What is the cost of each bag and the total cost of all such bags?

(c) Why has this extra expenditure been incurred during this period of financial depression?

(d) Have ticket checkers on the old East Indian Railway and Oudh and Rohilkhand Railway or on any other State Railway also been supplied with such bags?

**Mr. P. R. Rau:** The information asked for by the Honourable Member is being obtained and will, when received, be laid on the table.

**SHARES HELD BY SOME OFFICERS OF THE EAST INDIAN RAILWAY IN THE CARLSBAD MINERAL WATER MANUFACTURING COMPANY.**

1137. **\*Khan Bahadur Haji Wajihuddin:** Will Government be pleased to inquire and state whether some of the officers of the East Indian Railway hold shares in the Carlsbad Mineral Water Manufacturing Company which caters for ice and aerated water on the said Railway?

**Mr. P. R. Rau:** Enquiries made from the East Indian Railway administration show that so far as that administration is aware no officer of the East Indian Railway holds shares in the Carlsbad Mineral Water Manufacturing Company.

**Mr. Gaya Prasad Singh:** Are Government aware that some months back an order had been issued by the authorities of the East Indian Railway asking the refreshment room keepers on that railway to purchase their supplies of aerated waters exclusively from this Carlsbad Mineral Water Company although their charges were higher than those of other companies.

**Mr. P. R. Rau:** No. I have no information on the matter. If my Honourable friend gives notice of the question, I can get the information.

**Dr. Ziauddin Ahmad:** Is it not a fact that a certain individual wanted to open a factory at some other towns, but permission was refused?

**Mr. P. R. Rau:** No. I have no information on that matter either.

**SYLLABUS FOR THE ENTRANCE EXAMINATION TO THE INDIAN MILITARY ACADEMY, DEHRA DUN.**

**1138. \*Dr. Ziauddin Ahmad:** With reference to the reply of my starred question No. 712, that no oriental language is recognised for the entrance examination to the Indian Military Academy, Dehra Dun, will Government be pleased to consult page 5 of the Syllabus for the said examination?

(b) What is paragraph 15 of this Syllabus?

(c) Is it not a fact that in paragraph 15, *Sanskrit* is recognised in place of *Latin* and *Hindi*, *Persian* and *Urdu* in place of *French*?

(d) How many candidates offered *Latin*, *Greek*, *German* and *French* languages in the last entrance examination?

(e) On what principle is the distinction drawn between lower and higher Mathematics?

(f) Who were the members of the Committee who drew up the Syllabus?

**Mr. G. R. F. Tottenham:** (a), (b) and (c). The syllabus to which the Honourable Member refers was the one in force before the adoption of the syllabus recommended by the Indian Military College Committee. As the Honourable Member will realise, it would have been unfair to prospective candidates to have altered the syllabus of the Army Entrance Examination radically without giving due notice, and therefore the old syllabus was retained for the first two examinations held in July and October this year. The syllabus to which I referred in my answer on September 23rd is the new syllabus, and does not include either Sanskrit or Arabic or any other Oriental language.

(d) In the examination held last October, no candidate offered Greek, one offered German in Part I—Obligatory, and two offered French and two Latin in Part II.

(e) The distinction between the two is shown in paragraphs 7 and 8 of the new syllabus, a copy of which I am sending separately to the Honourable Member.

(f) This syllabus was drawn up by a Sub-Committee consisting of Sir George Anderson, Mr. Mukarji, Colonel Mirza Kader Beg and Colonel Haughton, and was approved by the Indian Military College Committee as a whole.

**HOUSES BUILT BY INDIANS IN MECCA FOR THE BENEFIT OF INDIAN PILGRIMS.**

**1139. \*Dr. Ziauddin Ahmad:** (a) What is the approximate number of houses built by Indians in Mecca for the benefit of the Indian pilgrims?

(b) Is it not a fact that those houses have been occupied without rent by the residents of Mecca and that these are not available for the use of Indian pilgrims?

(c) Is it not a fact that Nawab Obaidullah Khan of Dholampur, U. P. got his own house vacated and put in charge of British Consuls with instructions that the same should be used for the benefit of Indian pilgrims?

(d) Did Government accept the condition of the donor?

**Mr. H. A. F. Metcalfe:** (a) The Honourable Member's question presumably refers to buildings dedicated by Indians for the use of pilgrims to

Mecca from India. From such information as is available the number of such buildings in Mecca is understood to be approximately 50.

(b) It is believed that some of these buildings have been irregularly occupied by persons other than Indian pilgrims.

(c) and (d). Government have no information.

**Dr. Ziauddin Ahmad:** Will Government be pleased to make enquiries with regard to parts (c) and (d)?

**Mr. H. A. F. Metcalfe:** Enquiries can be made if the Honourable Member wishes, but it would appear rather to be a matter for the United Provinces to consider.

**Dr. Ziauddin Ahmad:** Is it for the Government of the United Provinces to make enquiries or the Government of India?

**Mr. H. A. F. Metcalfe:** If the Honourable Member wishes to raise the question here, enquiries can be made from the United Provinces.

**Kunwar Hajee Ismail Ali Khan:** Why from the United Provinces? It concerns the Hedjaz Government.

**Mr. H. A. F. Metcalfe:** The gentleman concerned lives in the United Provinces and we would have to make enquiries from them, but that can be done in the first place.

**Dr. Ziauddin Ahmad:** Inquiries can be made about (c), but I want an answer particularly to (d).

**Mr. H. A. F. Metcalfe:** The answer to (d) depends entirely on whether the facts stated in (c) are correct. We should have first of all to inquire from the United Provinces. That can be done if the Honourable Member wishes.

**Dr. Ziauddin Ahmad:** Thank you very much.

#### HIRING OF CONVEYANCE BY INDIAN PILGRIMS AT MECCA.

1140. **\*Dr. Ziauddin Ahmad:** (a) Is it not a fact that no Indian pilgrims can hire a conveyance except through a Moallim?

(b) Is it not a fact that those Moallims charge exorbitant rates?

(c) Are Government or the Haj Committee prepared to secure the privilege for Indian pilgrims that they may be free to hire licensed conveyance without the intervention of Moallims?

**Mr. H. A. F. Metcalfe:** The information asked for is being obtained and will be laid on the table in due course.

**Mr. Gaya Prasad Singh:** Is not the subject-matter of this question referred to in the confidential report which was submitted by certain members of the Haj Committee to Government?

**Mr. G. S. Bajpai:** No, Sir. I do not admit that there is any confidential report.

#### UNSPENT GOLD SOVEREIGNS OF INDIAN PILGRIMS AT THE HEDJAZ.

1141. **\*Dr. Ziauddin Ahmad:** Is it not a fact that the Hedjaz Government do not allow Indian pilgrims to bring back unspent gold sovereigns and get them changed by force into nickel and paper?



**Mr. H. A. F. Metcalfe:** No such case has come to the notice of Government.

#### INOCULATION OF INDIAN PILGRIMS TO MECCA.

**1142. \*Dr. Ziauddin Ahmad:** Do Government propose to arrange for the inoculation of Indian pilgrims to Mecca at the headquarters of the district in which the pilgrims reside, at least a fortnight before their departure and to see that this fact may be entered in the passport by the District Magistrate?

**Mr. G. S. Bajpai:** As a result of a recommendation made by the Haj Enquiry Committee, provision for the compulsory immunisation of pilgrims has been made in clause 10 of the Bill further to amend the Indian Merchant Shipping Act, 1923, which was introduced in the Legislative Assembly in March this year. As explained in the "Notes on Clauses" of that Bill it is intended that arrangements should be made for carrying out the immunisation of pilgrims and for providing them with proper certificates in their own districts as far as possible.

**Dr. Ziauddin Ahmad:** May I understand that this inoculation will be made as far as possible in the districts in which the pilgrims reside?

**Mr. G. S. Bajpai:** As far as possible arrangements will be made for immunisation in the districts.

#### CIRCULATION OF THE PROCEEDINGS OF CERTAIN RAILWAY CONFERENCES.

**1143. \*Dr. Ziauddin Ahmad:** Do Government intend to circulate among the Members of the Assembly the proceedings of the Agents, the Commercial Managers and the Operating Staff Conferences convened by the Railway Board?

**Mr. P. R. Rau:** No. Some of these documents are confidential, and all have a purely departmental interest and are not meant for publication.

**Mr. S. G. Jog:** Has the attention of the Government been drawn to a long letter which appeared in the *Statesman* in which my Honourable friend, Dr. Ziauddin Ahmad, has made very useful suggestions to the Railway Administration.

**Mr. P. R. Rau:** Where was that letter published, may I know?

**Dr. Ziauddin Ahmad:** Information which may be of a general nature and not of a technical nature may usefully be supplied to the Members of the Assembly. It will enlighten us enormously as to how the Railway administration is being carried on?

**Mr. P. R. Rau:** I should like to know what exactly my Honourable friend is referring to. What sort of information does he want to be circulated to Honourable Members?

**Dr. Ziauddin Ahmad:** For example, the Railway Board convened several meetings of the Agents and the Commercial Managers, etc. If a summary of those discussions could be prepared and circulated among Members of the Assembly, I thought it would be very useful.

**Mr. P. R. Rau:** These discussions with the Agents are confidential in their nature and, obviously, unless they are kept confidential, it would be impossible to have a full and free discussion of the subjects which the Agents discuss with the Railway Board.

**Dr. Ziauddin Ahmad:** Most of these discussions are published in the papers. They are scattered. For example, the address of the President of the Railway Conference, the Agent of the Bengal Nagpur Railway. It is not confidential.

**Mr. P. R. Rau:** Those are the meetings of the Indian Railway Conference Association and the important speeches of general interest are published. I do not know what more my Honourable friend wants.

**Dr. Ziauddin Ahmad:** These are not published in the papers in full. If these things are collected and supplied to the Members, I thought it would be useful.

**Mr. P. R. Rau:** If my Honourable friend wants a copy of Mr. Jarrad's speech, I can send it to him.

**Mr. President:** Next question, please.

#### DETAILED EXPENDITURE OF THE RAILWAY BUDGET.

1144. **\*Dr. Ziauddin Ahmad:** Will Government be pleased to lay in the Library for at least one week a copy of the detailed expenditure of the Railway Budget, giving the details of every item of the demand in the Budget?

**The Honourable Sir Joseph Bhore:** I presume my Honourable friend intends to suggest that the Budget documents should be in the hands of Honourable Members at least a week before the general discussion. While Government will endeavour to expedite the presentation of the Budget as far as possible to enable Honourable Members to examine the Railway Budget in detail before discussion, owing to the exigencies of time involved by the necessity for having the complete discussion on the Railway Budget finished by the 27th February, it may not be possible to allow as long an interval as is suggested by my Honourable friend.

**Dr. Ziauddin Ahmad:** Will it be convenient to place it after the Budget debate, because the point of view which I have in my mind is that certain posts, which are promised to be retrenched, are not really retrenched but they are provided for under some other heading, and the expenditure under one item is distributed under various demands that it is very difficult for us to follow it.

**The Honourable Sir Joseph Bhore:** I will consider the suggestion and endeavour to meet my Honourable friend if we possibly can.

#### EXPENDITURE ON RAILWAY WORKSHOPS.

1145. **\*Dr. Ziauddin Ahmad:** Will Government be pleased to mention the expenditure in each year on Railway workshops, since Craven's report?

**Mr. P. R. Rau:** I presume my Honourable friend is referring to the report of the Railway Workshops Committee presided over by Sir Vincent Raven. The information is being collected from Railway Administrations and will be laid on the table in due course.

**CERTAIN POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT HELD BY MUSLIMS.**

**1146. \*Mr. Muhammad Muazzam Sahib Bahadur:** Is it a fact that the following posts in the Government of India Secretariat held by Muslims have been either retrenched or filled by non-Muslims?

- (i) Under Secretary, Education, Health and Lands Department,
- (ii) Assistant Secretary, Finance Department,
- (iii) Attaché, Foreign and Political Department,
- (iv) Secretary, Imperial Council of Agricultural Research.

**The Honourable Mr. H. G. Haig:** Post No. (i), which was held by a Muslim, has been left unfilled owing to the existing financial stringency, but in lieu of this the post of Deputy Secretary held previously by a non-Muslim is now held by a Muslim. In post No. (ii) a Muslim Superintendent was officiating, but reverted from the post in May last when it was abolished, as stated in reply to Mr. Maswood Ahmad's question No. 161 on September 30th. Post No. (iii), which was also held by a Muslim, has been abolished. The pay and status of post No. (iv) have been reduced to those of an Assistant Secretary to the Government of India, and it is now held by a non-Muslim.

**NUMBER OF GAZETTED POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT HELD BY MUSLIMS.**

**1147. \*Mr. Muhammad Muazzam Sahib Bahadur:** (a) What was the total number of gazetted posts in the Government of India Secretariat held by Muslims getting a pay of Rs. 900 per month or over before retrenchment, and what is it now?

(b) Do Government realise that the number of Muslims holding posts of the nature referred to in part (a) has decreased? What steps have Government taken or propose to take to make up the deficiency?

**The Honourable Mr. H. G. Haig:** (a) Prior to retrenchment there were eight Muslims holding gazetted posts in the Government of India Secretariat on a pay of Rs. 900 p.m. or over and the same number are still holding such posts.

(b) There has been no decrease. The second part does not, therefore, arise.

**CERTAIN HIGHER POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT.**

**1148. \*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will Government be pleased to state the total number of posts of Assistant Secretaries to the Government of India, and the posts of equal rank and status in the Government of India Secretariat and Attached Offices and the names of the persons holding them?

(b) Is it a fact that there is not a single Muslim holding such a post?

(c) Are Government prepared to consider the advisability of filling these posts by Muslims in proper number?

**The Honourable Mr. H. G. Haig:** (a) and (b). I would refer the Honourable Member to the Government of India Directory which contains the information he wants, a copy of which will be found in the Library.

(c) As these are selection posts, they must be filled on the basis of merit and not on communal considerations.

CASHIERS IN THE GOVERNMENT OF INDIA SECRETARIAT.

1149. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) What is the total number of cashiers in the various Departments of the Government of India Secretariat, and what are their names?

(b) Is it a fact that the post of a cashier in a Secretariat Department carries a special pay of Rs. 50 per month?

(c) Is it a fact that there is not a single Muslim in the whole Secretariat holding this post?

(d) If the reply to part (c) be in the affirmative, are Government prepared to consider the advisability of appointing suitable Muslims to these posts?

(e) Is it a fact that the post of a cashier is ordinarily filled by promotion of clerks next to cashiers working in Cash Sections?

(f) Will Government please state the names of such clerks working at present in Cash Sections of the various Departments? How many of them are Muslims, and what are their names?

**The Honourable Mr. H. G. Haig:** (a) Fourteen. I do not think any useful purpose would be served by detailing their names.

(b) and (c). Yes.

(d), (e) and (f). I would invite attention to the reply given by my predecessor to starred question No. 1094 on the 23rd March, 1931, in this House, and would add that appointments to these posts are made not on communal considerations, but on seniority and merit combined with aptitude for the class of work required of the Cashier. In the circumstances, I do not think the collection of the information asked for in (f) would be of value.

VACANCIES IN CERTAIN OFFICES OF THE GOVERNMENT OF INDIA.

1150. **\*Mr. Muhammad Muazzam Sahib Bahadur:** Will Government please state the number of vacancies—permanent, temporary or officiating—which have occurred since 1st April, 1932, in the offices of the Central Board of Revenue, the Imperial Council of Agricultural Research, and the office of the Reforms Commissioner, and the proportion in which they have been filled from the various communities?

**The Honourable Mr. H. G. Haig:** A statement containing the information asked for is laid on the table.

*Statement.*

Office.	Vacancies.	Hindus.	Muslims.	Sikhs.	Indian Christians.	Others.
Central Board of Revenue.	17	9	6	..	2	..
Reforms Office	6	4*	1	..	2*	..
Imperial Council of Agricultural Research	16†	5	6	1	..	1 (Parsee).

\* One in each case filled the same vacancy, the Indian Christian for a short time and the Hindu thereafter.

† Three were not filled.

## TOTAL STAFF IN CERTAIN OFFICES OF THE GOVERNMENT OF INDIA.

1151. \*Mr. Muhammad Muazzam Sahib Bahadur: Will Government please state:

- (a) the total number of men employed in various grades in the staff of the office of the Director of Civil Aviation, Director General, Posts and Telegraphs, and the Director General of Commercial Intelligence and Statistics;
- (b) the number and percentage of Muslims in each grade; and
- (c) the number of vacancies—permanent, temporary, or officiating—which have occurred in the above offices since 1st April, 1932, and the proportion in which they have been filled from the various communities?

**The Honourable Sir Frank Noyce:** The attention of the Honourable Member is invited to the statements showing the communal strength of the clerical staff of these offices which are prepared annually and are in the Library of the House. Government are unable to give more detailed information regarding the communal composition of the offices in question than is contained in these statements.

## NUMBER OF MEN EMPLOYED IN EACH OF THE SUBORDINATE OFFICES UNDER THE CIVIL AVIATION DIRECTORATE.

1152. \*Mr. Muhammad Muazzam Sahib Bahadur: (a) What is the total number of men employed in (i) the technical staff and (ii) the clerical establishment in each of the subordinate offices under the Civil Aviation Directorate? How many are Muslims?

(b) What steps have Government taken or propose to take to ensure proper representation of Muslims in the staff referred to at part (a)?

**The Honourable Sir Frank Noyce:** (a) There are six technical officers and five clerks in the subordinate offices in the Civil Aviation Directorate; none is a Muslim.

(b) The general orders of Government regarding representation of minority communities are observed in this Directorate as far as possible. Of the six technical officers referred to, two are Europeans and four are Indians, Hindus. The former have been appointed to the posts of Aircraft Inspector and Assistant Aircraft Inspector for which no suitably qualified Indians are at present available. The four Indians have been appointed as Aerodrome Officers. They were selected from the Government of India Civil Aviation Scholars who received their training in England. Out of the ten scholarships granted in this connection, two were offered to two Muslims who had been selected by the Public Service Commission from among a number of candidates. One of the Muslim candidates was unable owing to private reasons, to avail himself of the offer. The other accepted the offer. He was one of a batch of four scholars who completed their training in 1931-32. Only one post of Aerodrome Officer was then available, three such posts sanctioned previously having been filled by scholars from an earlier batch. For that post the scholar who was considered to be the most suitable was chosen; he happened to be a Hindu.

With regard to the clerical staff, this is recruited through the medium of newspaper advertisements, preference being given to local men. The staff in any local office usually consists of one clerk only. Up to December, 1931, the staff included one Muslim. The post he held was then retrenched as a measure of economy and his services had to be dispensed with. An addition to the number of clerical posts is likely to be made shortly when steps will be taken to secure the services of a Muslim, if possible.

**SUBORDINATE OFFICES UNDER THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.**

1153. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) How many subordinate offices are there under the Imperial Council of Agricultural Research? At what stations are they located?

(b) What is the total number of men employed in (i) the technical staff, and (ii) the clerical establishment in each of the offices referred to at part (a)? How many are Muslims, and what are their names?

**Mr. G. S. Bajpai:** (a) and (b). I place on the table a statement containing the information asked for by the Honourable Member.

*Statement relating to the number, location and personnel of the offices subordinate to the Imperial Council of Agricultural Research.*

Name of office.	Where located.	Technical appointments.		Clerical appointments.	
		Total No.	No. and names of Muslims.	Total No.	No. and names of Muslims.
1. Office of the Locust Research Entomologist.	Lyallpur	4	2 Mr. M. Afzal Husain, M.Sc., I.A.S. Mr. Taskhir Ahmad.	4	1 Mr. Tajud-Din.
2. Office of the Deputy Locust Research Entomologist.	Quetta	6	1 Mr. Mirza Ahmad Ali.	2	2 Mr. A. Ghani. Mr. M. Ramzan.
3. Office of the Sugar Technologist.	Cawnpore	2	Nil . . .	10	1 Mr. Amir-ul-Hasan.

**TITLES CONFERRED ON THE INDIAN STAFF OF THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.**

1154. **\*Mr. Muhammad Muazzam Sahib Bahadur:** Will Government please lay on the table a statement, showing by communities, the names of the members of the staff of the Government of India and its attached offices on whom Indian titles have been conferred since 1922, and the posts held by them at the time of the conferment of the titles?

**Mr. H. A. F. Metcalfe:** A statement giving the required information is laid on the table.

*Statement showing by communities the names of the members of the staff of the Government of India and Attached offices on whom Indian titles have been conferred since 1922 and the post held by them at the time of the conferment of the title.*

Name of grantee.	Office or designation.	Title granted.	Date of award.	Community.	Remarks, if any.
<i>Home Department.</i> Pindi Lal	Photographer, Office of the Director of Public Information.	Rai Sahib	1st January 1923.	Hindu.	
Kotieth Palliyal Anantan	Superintendent, Home Department.	Rao Sahib	2nd June 1923	Hindu.	
Aga Sikandar	Assistant, Home Department	Khan Sahib	1st January 1924.	Muslim.	
Radha Bilas Das	Assistant, Home Department	Rai Sahib	3rd June 1924	Hindu.	
Shib Dial Seth	Clerk-in-Charge of Issue Branch, Home Department.	Rai Sahib	1st January 1926.	Hindu.	
S. Anantanarayana Sastry	Stenographer and Confidential clerk to Director, Intelligence Bureau.	Rao Sahib	1st January 1926.	Hindu.	
Bhai Bur Singh	Clerk, Home Department	Sardar Sahib	1st March 1929	Sikh.	
Charles Jacob	Superintendent of the office of Director, Public Information.	Khan Sahib	1st January 1929.	Indian Christian.	
Tarapada Roy	Superintendent, Home Department.	Rai Sahib	3rd June 1929	Hindu.	
Bhagwant Rai	Stenographer, Home Department.	Rai Sahib	3rd June 1930	Hindu.	
Maulvi Mah Noman	Photographer to Government Examiner of Questioned Documents under D. I. B.	Khan Sahib	1st January 1931.	Muslim.	
<i>Home Department.</i> <i>Reforms Office.</i> Vappal Pangunni Menon	Superintendent, Reforms Office.	Rao Sahib	1st January 1931.	Hindu.	
<i>Foreign and Political Department.</i> Khan Bahadur Muzaffar Khan.	Oriental Secretary to the British Mission to Kabul.	Nawab (personal).	2nd January 1922	Muslim	Services were obtained from the Punjab Government for Mission work.

<b>Surya Kumar Roy Chowdry</b>	Superintendent, Issue Branch .	Rai Sahib	2nd January 1922	Hindu	Since retired.
<b>Narendranath Sircar</b>	Toshakhana Assistant .	Rai Sahib	2nd January 1922	Hindu	Since retired.
<b>Rai Sahib Ramji Das Dhamejah.</b>	Assistant, Foreign and Political Department and Superintendent, Office of the Chief Secretary to H. R. H. the Prince of Wales.	Rai Bahadur	1st April 1922	Hindu	Now Superintendent.
<b>Muhammad Ghiasuddin.</b>	Assistant .	Khan Sahib	1st January 1923.	Muslim	Since retired.
<b>Mirza Abdulla Jan</b>	Persian Munshi and Translator.	Khan Sahib	1st January 1925.	Muslim	Since retired.
<b>Nogendra Nath Nundy</b>	Superintendent, Issue Branch .	Rai Sahib	1st January 1926.	Hindu	Since retired.
<b>Khan Sahib Muhammad Inamul Huk.</b>	Under Secretary .	Khan Bahadur	1st January 1927.	Muslim	Since dead.
<b>Rai Sahib Satish Chandra Biswas.</b>	Superintendent .	Rai Bahadur	4th June 1928	Hindu.	
<b>Pandit Autar Krishna Kaul.</b>	Superintendent, Office of the Indian States' Committee.	Rai Sahib	3rd June 1929	Hindu	Now a Superintendent in the Department.
<b>Sinder Singh Chhabra</b>	Superintendent .	Sardar Sahib	1st January 1931	Sikh.	Since retired.
<b>Khan Sahib Muhammad Ghiasuddin.</b>	Attaché .	Khan Bahadur.	1st January 1932	Muslim	
<b>Finance Department.</b>					
<b>Mr. S. K. D. Bose</b>	Shorthand writer to the Secretary to the Government of India, Finance Department.	Rai Sahib	2nd January 1922	Hindu	Is now serving as a Reporter in the Legislative Assembly Department.
<b>Mr. D. S. Iyengar</b>	Shorthand writer to the Secretary to the Government of India, Finance Department.	Rao Sahib	2nd June 1923	Hindu.	
<b>Mr. A. K. Ghosh</b>	Superintendent, Office of the Financial Adviser, Military Finance.	Rai Sahib	1st January 1924	Hindu	Since retired.
<b>Syed Taj-ud-Din Ahmad</b>	Personal Assistant to the Members, Central Board of Revenue.	Khan Bahadur.	3rd June 1924	Muhammadian.	Since died.
<b>Rai Sahib C. N. Chakrabarty.</b>	Superintendent, Finance Department.	Rai Bahadur	1st January 1926.	Hindu	Since retired.
<b>Rai Sahib K. C. Maulik</b>	Assistant Financial Adviser, Military Finance.	Rai Bahadur	3rd July 1926	Hindu	Since retired.
<b>Pt. Ram Nath</b>	Senior Personal Assistant to the Members, Central Board of Revenue.	Rai Bahadur	3rd July 1926	Hindu	Is now Secretary to the Central Board of Revenue.



Name of grantee.	Office or designation.	Title granted.	Date of award.	Community.	Remarks, if any.
<i>Finance Department—</i>					
<i>contd.</i>					
Mr. Maharaj Krishna	Cashier, Finance Department	Rai Sahib	3rd July 1926	Hindu	Since retired.
Mr. P. N. Sen	Assistant-in-Charge, General and Issue Branch, Finance Department.	Rai Sahib	1st January 1927.	Hindu	
Rai Sahib Hari Shanker Kaish.	Assistant Financial Adviser, Military Finance.	Rai Bahadur	3rd July 1927	Hindu	Since retired.
Mr. Sital Singh	Assistant Secretary, Finance Department.	Sardar Sahib	3rd July 1927	Sikh.	
Mr. Bhagwant Kishore	Superintendent, Finance Department.	Rai Sahib	1st January 1928.	Hindu.	
Mr. Jawind Lal	Personal Clerk to the Hon'ble the Finance Member.	Rai Sahib	3rd June 1928	Hindu	Since retired.
Sardar Sahib Sital Singh.	Offg. Under Secretary, Finance Department.	Sardar Bahadur	3rd June 1929	Sikh	Is at present Attached Officer in the Office of the Accountant General, Central Revenues, Delhi.
Mr. H. D. Banerjee	Assistant Financial Adviser, Military Finance.	Rai Sahib	3rd June 1929	Hindu	Since retired.
Mr. Shah Muhammad	Superintendent, Finance Department.	Khan Sahib	1st January 1930.	Muhammadian	
Mr. Hakumat Rai	Superintendent, Office of the Financial Adviser, Military Finance.	Rai Sahib	1st January 1930.	Hindu	Is now Assistant Financial Adviser, Military Finance.
<i>Army Department.</i>					
Babu Budhi Singh Khatri (retired).	Cashier, Q. M. G.'s Branch, Army Headquarters.	Rai Sahib	2nd January 1922	Hindu (Curahe).	
Rai Sahib Lala Maha Narain (retired).	Superintendent, Q. M. G.'s Branch, Army Headquarters.	Rai Bahadur	3rd June 1922	Hindu.	
Bhai Natha Singh	Cashier, A. C.'s Branch, Army Headquarters.	Sardar Sahib	1st January 1923.	Sikh.	
Rai Sahib Joges Chandra Das Gupta.	Superintendent, Army Department, Government of India.	Rai Bahadur	1st January 1926	Hindu.	

Rai Sahib Asant Prasad Dube.	Personal Assistant to the Secretary to the Government of India, Army Department.	Rai Bahadur	King's Birthday Honours, 1926.	Hindu.
Lala Bal Mokand Kohli	Assistant, Q. M. G.'s Branch, Army Headquarters.	Rai Sahib	New Year's Honours, 1927.	Hindu.
Babu Girihari Lall	Assistant, Q. M. G.'s Branch, Army Headquarters.	Rai Sahib	King's Birthday Honours, 1927.	Hindu.
Mr. Aspandiar Cooverji Jassawala.	Superintendent, Office of the Engineer-in-Chief, Army Headquarters.	Khan Sahib	King's Birthday Honours, 1928.	Parsee.
Munshi Mohamed Hafiz	Assistant, Office of the Adjutant General in India, Army Headquarters.	Khan Sahib	King's Birthday Honours, 1928.	Muslim.
Mr. Ram Chander Sunkar.	Assistant, Office of the Adjutant General in India, Army Headquarters (retired).	Rai Sahib	New Year's Honours, 1930.	Hindu.
Lala Narain Das	Superintendent, Office of the Chief of the General Staff, Army Headquarters.	Rai Sahib	King's Birthday Honours, 1930.	Hindu.
Khan Sahib Hafiz Abdul Hakim.	Household Superintendent to H. E. the Commander-in-Chief.	Khan Bahadur	New Year's Honours, 1931.	Muslim.
Mr. Sailleshwar Banerjee	Superintendent, Army Department Secretariat (retired).	Rai Sahib	New Year's Honours, 1932.	Hindu.
<i>Legislative Department.</i>				
Manmatha Nath Basu	Librarian	Rai Sahib	1st January 1923	Hindu
Tulsi Ram	Personal Assistant to the Hon'ble the Law Member.	Rai Sahib	1st January 1924	Hindu.
M. N. Venkata Raman	Council Reporter	Rao Sahib	3rd June 1927	Hindu.
Jagat Prasanna Ghose	Cashier	Rai Sahib	3rd June 1931	Hindu.
<i>Legislative Assembly Department.</i>				
Rai Sahib Debpatti Dutt S. G. Hasnain	Assistant Secretary Superintendent	Rai Bahadur Khan Sahib	1st January 1931 1st January 1932	Hindu. Muslim.
<i>Commerce Department.</i>				
Mr. L. C. Sen	Assistant Secretary	Rai Bahadur	1927	Indian Christian.
Mr. R. Ramchandra	Personal Assistant to Secretary	Rao Sahib	1930	Hindu.

Retired from service.

Name of grantee.	Office or designation.	Title granted.	Date of award.	Community.	Remarks, if any.
<b>Commerce Department—</b> contd.					
Mr. Laddi Parshad.	Assistant Secretary	Rai Sahib	1931 . . .	Hindu	
Mr. H. C. Sen . . .	Head Assistant, Indian Tariff Board.	Rai Sahib	1932 . . .	Hindu	Holds a permanent appointment in the Department of Commerce.
<b>Railway Department</b> ( <i>Railway Board</i> ).					
Mr. A. L. Misra . . .	Superintendent	Rai Sahib	3rd June 1922 .	Indian Christian.	
K. S. Barkat Ali . . .	Assistant Director of Finance	Khan Bahadur.	4th June 1928 .	Muslim.	
R. S. I. D. Puri . . .	Cashier, Railway Board .	Rai Bahadur .	1st January 1923.	Hindu.	
R. S. B. D. Puri . . .	Assistant Director of Finance	Rai Bahadur .	3rd June 1928 .	Hindu.	
Mr. N. L. Chatterjee . .	Stenographer	Rai Sahib . . .	1st January 1927 .	Hindu.	
Mr. Faqir Chand Malhan	Assistant Director . . .	Rai Bahadur .	1st January 1927.	Hindu.	
Mr. Sohan Lal Puri . .	Assistant . . . . .	Rai Sahib . . .	2nd January 1928	Hindu.	
Mr. Chamba Ram . . .	Assistant . . . . .	Rai Sahib . . .	4th June 1928 .	Hindu.	
Mr. Kishori Lal . . . .	Offg. Superintendent	Rai Sahib . . .	3rd June 1932 .	Hindu.	
<b>Department of Education,</b> <i>Health and Lands.</i>					
Charan Das . . . . .	Assistant . . . . .	Rai Sahib . . .	2nd June 1923 .	Hindu	Now employed as Secretary of the I. C. of A. R.
L. M. Roy . . . . .	Superintendent . . . .	Rai Sahib . . .	1st January 1924.	Hindu.	
Tulsi Ram . . . . .	P. A. to H. M. . . . .	Rai Sahib . . .	1st January 1924.	Hindu.	
D. Nadirshaw . . . . .	P. A. to H. M. . . . .	Khan Bahadur .	1st January 1925.	Parsee.	
Ganga Ram . . . . .	Assistant . . . . .	Rai Sahib . . .	1st January 1926.	Hindu	
Dina Nath . . . . .	Cashier . . . . .	Rai Sahib . . .	1st January 1927.	Hindu.	
J. N. Roy . . . . .	P. A. to Secretary . .	Rai Sahib . . .	3rd June 1927 .	Hindu.	Since retired.
T. J. Ehan Bahl . . . . .	Assistant . . . . .	Rai Sahib . . .	1st March 1929 .	Hindu.	
A. F. M. Abdul Ali, M.A.	Keeper of the Records and ex-officio Assistant Secretary to the Government of India in the Department of Education, Health and Lands.	Khan Bahadur.	1st January 1930.	Muslim.	

<i>Office of the Director General, Indian Medical Service.</i>	Pandit Kapur Singh Nehru.	Assistant	Rai Sahib	2nd January 1922	Hindu	Retired from service in 1924.
<i>Office of the Director General of Archaeology in India.</i>	Maulvi Zafar Hasan	Offg. Superintendent, Archaeological Survey, Northern Circle, Agra.	Khan Sahib	3rd June 1924	Muslim	Now Deputy Director General of Archaeology.
	Maulvi Zafar Hasan	Superintendent, Archaeological Survey, Northern Circle, Agra.	Khan Bahadur	2nd January 1928	Muslim	Now Deputy Director General of Archaeology.
	Mr. B. C. Ghosh	Office Superintendent	Rai Sahib	4th June 1928	Hindu.	
	Mr. R. D. Siddiqi	Excavation Assistant	Khan Sahib	1st March 1929	Muslim.	
<i>Imperial Council of Agricultural Research.</i>						
NIL						
<i>Department of Industries and Labour.</i>						
Bakshi Harbans Lal Chibber.	Atanu Mohan Banerjee	Superintendent	Rai Bahadur	1st January 1922.	Hindu	Retired.
	Nihal Chand	Superintendent	Rai Sahib	2nd June 1923	Hindu.	Retired.
	Feroz Din	Assistant	Khan Sahib	1st January 1924.	Hindu.	
	Gauri Shanker	Superintendent	Rai Sahib	1st January 1925.	Muslim.	
	Dip Chand	Superintendent	Rai Sahib	3rd June 1925	Hindu.	
	Rhagnal	Assistant	Rai Sahib	3rd June 1926	Hindu	Mr. Bhagnal was holding the post of Superintendent in the Simla Imperial Circle at the time of conferment of the title.
						Now Assistant Secretary.
Santosh Kumar Banerjee		Superintendent	Rai Bahadur	2nd January 1928	Hindu	
	Mohammad Aslam	Assistant	Khan Sahib	3rd June 1932	Muslim.	

Name of grantee.	Office or designation.	Title granted.	Date of award.	Community.	Remarks, if any.
<i>Office of the Director General of Posts and Telegraphs.</i>					
P. N. Mekerji . . .	Superintendent of Post Offices employed as Officer on Special Duty in the Office of the Director General of Posts and Telegraphs.	Rai Bahadur .	1926 .	Hindu	Now officiating as Deputy Director General, Postal Services.
L. P. Kulkarni . . .	Assistant Director General .	Rao Sahib .	1923 .	} Hindu	Now officiating as Postmaster General, Bihar and Orissa Circle.
L. P. Kulkarni . . .	Assistant Director General .	Rao Bahadur .	1930 .		
C. L. Dutt . . .	Head Assistant . . .	Rai Sahib .	1923 .	} Hindu	Retired.
G. L. Dutt . . .	Superintendent, Budget Branch	Rai Bahadur .	1927 .		
A. C. Ghosh . . .	Superintendent . . .	Rai Sahib .	1925 .	Hindu	Retired.
S. Dutt . . .	Personal Clerk to Director General.	Rai Sahib .	1928 .	Hindu	Retired.
T. R. R. Iyengar . . .	Superintendent, Telegraph Traffic.	Rao Sahib .	1930 .	Hindu	Employed at present as Assistant Deputy Director General.
K. R. Bakshi . . .	Superintendent of Railway Mail Service.	Rao Sahib .	1929 .	Hindu	Employed at present as Assistant Deputy Director General.
<i>Indian Stores Department.</i>					
Krupa Ram . . .	Chief Superintendent . . .	Rai Sahib .	June 1928 .	Hindu	Present designation, Assistant Director of Administration and Intelligence.
D. Sadasivam . . .	Assistant Director of Purchase (Textiles).	Rao Sahib .	January 1932 .	Hindu	Present designation, officiating Deputy Director of Purchase (Textiles).
V. Balasubhayan . . .	Personal Assistant to the Controller of Inspection, Calcutta Circle, Indian Stores Department.	Rao Sahib .	June 1932 .	Hindu	Holds a lien on his permanent appointment of Superintendent in the Indian Stores Department.

**TITLES CONFERRED ON THE INDIAN STAFF OF THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.**

1155. \*Mr. Muhammad Muazzam Sahib Bahadur: What are the names of the members of the staff of the Education, Health and Lands Department on whom Indian titles have been conferred since 1922, and the posts held by them at the time of the conferment of the titles? How many of them are Muslims, and what are their names?

Mr. H. A. F. Metcalfe: A statement giving the required information is laid on the table.

*List of men belonging to the Department of Education, Health and Lands on whom Indian Titles have been conferred since 1922*

Name.	Title conferred.	Year in which the title was conferred.	Post held at the time of the conferment of the title.
1. Charan Das . . .	Rai Sahib . . .	1923 . . .	Assistant (now employed as Secretary of the Imperial Council of Agricultural Research).
2. L. M. Roy . . .	Do. . .	1924 . . .	Superintendent.
3. Tulsi Ram . . .	Do. . .	1924 . . .	P. A. to Hon'ble Member (transferred to the Legislative Department).
4. D. Nadirshaw . . .	Khan Bahadur . . .	1925 . . .	P. A. to Hon'ble Member.
5. Ganga Ram . . .	Rai Sahib . . .	1926 . . .	Assistant (since retired).
6. Dina Nath . . .	Do. . .	1927 . . .	Cashier.
7. J. N. Roy . . .	Do. . .	1927 . . .	P. A. to Secretary.
8. Tej Bhan Bahl . . .	Do. . .	1929 . . .	Assistant (since transferred to the Imperial Council of Agricultural Research).
9. A. F. M. Abdul Ali, M.A.	Khan Bahadur . . .	1930 . . .	Keeper of the Records and <i>Ex-officio</i> Assistant Secretary to the Government of India in the E., H. & L. Department.

**PREFERENTIAL TREATMENT IN AWARDING TITLES TO THE CASHIERS OF THE GOVERNMENT OF INDIA.**

1156. \*Mr. Muhammad Muazzam Sahib Bahadur: Is it a fact that, as a matter of practice, the cashiers of the Departments of the Government of India are almost invariably recipients of a title?

Mr. H. A. F. Metcalfe: No, Sir.

**CONTRIBUTION BY INDIAN STATES TOWARDS THE PAY OF THE INDIAN TRADE COMMISSIONER, HAMBURG.**

1157. \*Mr. M. Maswood Ahmad: (a) Is it a fact that one of the principal duties of the Indian Trade Commissioner, Hamburg, is to furnish commercial information directed to the development of Indian export trade required by Indian States?

(b) Do the Indian States contribute towards his pay or emoluments?

(c) If not, do Government propose to examine the question whether the Indian States should contribute to his pay?

**The Honourable Sir Joseph Bhore:** (a) Yes, but it constitutes a comparatively unimportant fraction of the work performed by him.

(b) and (c). No.

#### PROTECTION TO BENGAL FLOUR MILLS.

1158. **\*Mr. M. Maswood Ahmad:** Is it a fact that protection has been given to the Bengal flour mills to compete with the mills in Upper India by enhancing the railway freight on wheat flour over the East Indian Railway?

**Mr. P. R. Rau:** The railway freight on wheat flour was enhanced over the East Indian Railway on representations submitted to that Administration by flour mills situated on the East Indian Railway System, who were adversely affected by the stoppage of imports of cheap Australian wheat. The serious decline in railway earnings, in the opinion of that Administration, justified the enhancement in the freight rates and, incidentally, a reversion to the position prior to 1920 when the freight rates on the East Indian Railway for flour were higher than those for wheat.

#### GOVERNMENT ADVERTISEMENTS FOR PUBLICATION IN NEWSPAPERS.

1159. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether Government advertisements are published in newspapers for the information of the public or for financing the newspapers?

(b) Do Government or the Departments make any inquiry about the circulation of the newspapers before giving advertisements to the newspapers for publication?

**The Honourable Mr. H. G. Haig:** (a) Advertisements are given to newspapers for the purpose of giving information to the public.

(b) Yes.

#### AMOUNT SPENT ON NOTICES AND ADVERTISEMENTS PUBLISHED IN NEWSPAPERS.

1160. **\*Mr. M. Maswood Ahmad:** (a) How much has been spent on notices and advertisements published in newspapers by the Railway authorities and by other Departments (separately) during the last five years?

(b) What amounts were paid to different newspapers for advertisements by the Railway Board and by the State-managed Railways?

**The Honourable Mr. H. G. Haig:** (a) and (b). Departments of the Government of India publish very few advertisements and the collection of information as to the expenditure incurred would entail a considerable amount of labour which I am not prepared to ask them to undertake. As regards advertisements by railways, separate records of the cost of notices and advertisements are not maintained by railways, and Government regret that they are not in a position to supply the information.

**Mr. M. Maswood Ahmad:** Will Government be pleased to supply the information even for one year?

**The Honourable Mr. H. G. Haig:** I think, Sir, it would involve a considerable amount of labour to collect the information.

**Dr. Ziauddin Ahmad:** Do they not keep the accounts of the payment

**The Honourable Mr. H. G. Haig:** Accounts are not kept in that form.

**Mr. R. S. Sarma:** Is it not a fact, Sir, that nearly 80 per cent. of the Government advertisements are published in the Congress and anti-Government press rather than in newspapers that are friendly to Government?

**The Honourable Mr. H. G. Haig:** As I have just informed the House, I have no information about the distribution of advertisements.

**Mr. R. S. Sarma:** As one who has studied this matter, will the Honourable the Home Member take it from me that it is so.

**The Honourable Mr. H. G. Haig:** I am always prepared to receive information from Honourable Members.

**Mr. M. Maswood Ahmad:** Will Government be pleased to supply a list of the papers to which they have given advertisements during the last year?

**The Honourable Mr. H. G. Haig:** I think the Honourable Member behind me (Mr. Sarma) will be able to supply the required information.

**Mr. M. Maswood Ahmad:** Can Mr. R. S. Sarma reply on behalf of the Government?

#### ACTION TAKEN ON THE RECOMMENDATION OF THE BANKING ENQUIRY COMMITTEE.

1161. **\*Mr. M. Maswood Ahmad:** (a) Have Government taken any action on the recommendation of the Banking Enquiry Committee?

(b) What action do Government propose to take on the recommendation of the Banking Enquiry Committee?

**The Honourable Sir Alan Parsons:** The attention of the Honourable Member is invited to the statement laid by me on the table of the House on the 30th September, 1932.

#### REVISION OF THE RATES FOR FOOD AND AERATED WATER SUPPLY IN TRAINS AND ON STATIONS.

1162. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the prices of commodities have fallen to a very great extent?

(b) Do Government propose to revise the rates for food and aerated water supply in trains and on stations?



**Mr. P. R. Rau:** (a) Government are aware that the prices of certain commodities have fallen.

(b) The question of fixing the rates for food and aerated waters in trains and on stations is settled by Railway Administrations with their contractors without reference to Government and Government do not propose to interfere in the fixing of such rates. A copy of this question will however be sent to all railway administrations for consideration.

**Mr. K. Ahmed:** Are Government aware that the prices of articles of food supplied on railways by contractors' men are much higher than those that are supplied by railways in England and in other countries?

**Mr. P. R. Rau:** No, Sir, I am not aware of the fact, but I am quite prepared to take it from my Honourable friend.

**Mr. M. Maswood Ahmad:** In which year were these rates revised?

**Mr. P. R. Rau:** I do not think that there was any particular year in which rates were generally revised, Sir.

**Dr. Ziauddin Ahmad:** Is the Honourable Member aware that at present there exists a very great dissatisfaction among the public about the high rates which these railway vendors charge?

**Mr. P. R. Rau:** Such statements have been made on the floor of this House and I am quite prepared to accept that as the view of many Honourable Members opposite.

**Mr. M. Maswood Ahmad:** Is it a fact that the rates for soda water, lemonade and ice have not been revised since three years at least?

**Mr. P. R. Rau:** Possibly, Sir, but I cannot say without making inquiries on that point.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to inquire into that and ask the authorities to revise the rates?

**Mr. P. R. Rau:** If my Honourable friend will give me notice of the question.

**Mr. K. Ahmed:** In view of the fact that the Railways are run in this country on a commercial basis, do Government propose also to start restaurant cars on a commercial basis so as to give facilities to the travelling public such as exist in other countries,—on the East Indian Railway, for instance?

**Mr. P. R. Rau:** I am sure the East Indian Railway do run restaurant cars.

**Mr. K. Ahmed:** The Honourable Member does not understand the question.

**Mr. P. R. Rau:** It is very difficult to understand my Honourable friend's questions.

**Mr. K. Ahmed:** Will the Honourable Member kindly exercise a little bit of application of mind? What I mean is that, would it not be better for the Government Railways in this country to take up the catering job so as to give facilities to passengers and the travelling public on exactly the same principles as are in vogue in the Railway Administrations of other countries? That is to say, the same railway authority that takes up the administration of a railway—not the Railway Board up here—should appoint the manager of the catering department and thus the Government will pay the cost and they will collect the prices of the articles of food supplied?

**Mr. P. R. Rau:** The only Railway that has at present a departmental catering system is the Bengal-Nagpur Railway, and I am not sure that it is on a paying basis. I do not think that Government can embark on this catering business in the present financial conditions.

**Mr. K. Ahmed:** If the other countries can take up and have taken up such work (notwithstanding the example of the Bengal-Nagpur Railway quoted by the Honourable Member) and the prices of articles of food are thus reduced, so that facilities can be given to passengers who are at present the victims of the maladministration of the contractors' catering on the railways, is it not a fact that thereby more income can be secured so that in every way the services of my Honourable friend will be more acceptable to this country if, on the one hand, additional facilities are afforded to the travelling public and, on the other hand, more income is secured to the Railways by their adopting the popular method?

**Mr. P. R. Rau:** Sir, the fact that the Bengal-Nagpur Railway Catering Department has not been a paying concern for some time is well-known to members of the Public Accounts Committee.

**Mr. K. Ahmed:** That is not the answer to my question, surely the contractors make profit.

#### INCREASE OF THE BURDEN OF INDEBTEDNESS.

1163. **\*Mr. M. Maswood Ahmad:** (a) Has the attention of Government been drawn to the finding of the Controller of Currency given in his Report for the year 1931-32:

"That fall in commodity prices had increased the real burden of indebtedness by more than 50 per cent. and such an increase would be beyond the capacity of most debtors to pay"?

(b) Are Government aware that rates of interest are very high in India?

(c) Are Government aware that the value of money has been increased?

(d) What action do Government propose to take to decrease the indebtedness?

(e) What action do Government propose to restrict the interest to some limit?

(f) What other actions do Government propose to take in this connection?

**The Honourable Sir Alan Parsons:** (a) and (c). Yes. The fall in commodity prices is due to world causes and is not confined to India. The steps to be taken to raise prices are engaging the serious attention of all Governments.

(b), (d), (e) and (f). The rates of interest on money, as shown by the bank rate of the Imperial Bank of India, are half of what they were twelve months ago, and the Government of India are trying to keep them as low as possible.

#### CONVERSION OF LOANS OF HIGH INTEREST TO THOSE OF LOW INTEREST.

1164. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the British Government have converted the loan having a high percentage of interest into a loan having a low percentage of interest?

(b) Do the Government of India propose to adopt the same policy? If not, why not?

(c) What amount will be saved annually if the conversion policy be adopted?

**The Honourable Sir Alan Parsons:** (a) Yes.

(b) and (c). We are following the same policy. In the last seven months we have replaced about Rs. 35 crores of rupee debt and £6 millions of sterling debt by longer term loans at an average annual saving of approximately Rs. 40 lakhs.

#### OFFICERS IN THE CUSTOMS AND INCOME-TAX DEPARTMENTS IN THE BOMBAY PRESIDENCY TO WHOM EXTENSIONS OF SERVICE WERE GRANTED.

1165. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the number of officers in the Customs and Income-tax Departments (gazetted and non-gazetted non-ministerial) in the Bombay Presidency to whom extensions of service were granted during 1928-29 to 1931-32 were 24 and 7, respectively?

(b) Will Government be pleased to state how many of them are Europeans, Anglo-Indians and Indians and also the names, pay, and length of service of the officers?

**The Honourable Sir Alan Parsons:** (a) The actual number of officers granted extension in the Customs Department was 19 and in the Income-tax Department, five. These figures differ from those given in a reply to a question in the Council of State last September Session, which the Honourable Member has, I think, in mind and which in five cases included the same officers more than once because they had received more than one extension, while two other officers, who were on extension in 1927-28, were wrongly included in the figures for the period to which the question related. I am glad of the opportunity afforded by my Honourable friend's interpellation to correct this mistake.

(b) A statement is laid on the table.

*Statement showing names, nationality, pay and length of service of the officers of the Customs and Income-tax Departments (Gazetted and Non-gazetted Non-ministerial) in the Bombay Presidency who were granted extensions of service during 1925-29 to 1931-32.*

Name.	Nationality.	Pay.	Length of service before grant of extension or extensions.
1	2	3	4
<i>Customs Department.</i>		Rs.	Y. M. D.
1. A. Pereira . . . .	Anglo-Indian . . . .	420+50 (personal pay)	34 0 17
2. A. D. Cama . . . .	Indian . . . .	440	33 0 28
3. Bundeali Mohd. Fazal . . . .	Indian . . . .	340	34 11 24
4. T. M. O'Reilly . . . .	European . . . .	575	34 0 9
5. G. Kelly . . . .	European . . . .	675	36 9 9
6. D. M. Raja . . . .	Indian . . . .	650	31 6 3
7. T. G. Mooney . . . .	European . . . .	675	36 1 28
8. B. J. Treasurywala . . . .	Indian . . . .	550	30 7 14
9. J. Samuel . . . .	Indian . . . .	250	34 4 20
10. R. P. Sharman . . . .	European . . . .	575	30 5 10
11. G. Clark . . . .	Anglo-Indian . . . .	575	35 6 28
12. F. X. D'Mello . . . .	Indian . . . .	500	30 3 10
13. B. F. Fernandes . . . .	Indian . . . .	310	35 3 18
14. Tajuddin Mohd. Hussain . . . .	Indian . . . .	30	33 8 16 (including inferior service 13 years months and 2 days).
15. Abdul Gafur Mohd. Cassim . . . .	Indian . . . .	30	33 3 0 (including inferior service for 1 years 8 month and 7 days).
16. V. N. Shah . . . .	Indian . . . .	180	34 2 17
17. D. B. Donde . . . .	Indian . . . .	125	33 5 29
18. G. R. Varadkar . . . .	Indian . . . .	160	32 10 4
19. G. R. Javkar . . . .	Indian . . . .	200	34 6 12
<i>Income-tax Department.</i>			
1. G. C. Nowly . . . .	Indian . . . .	400	30 2 0
2. R. S. Isardas Farumal . . . .	Indian . . . .	750	33 0 0 (approximately).
3. J. P. Dhebar . . . .	Indian . . . .	250	7 0 0
4. J. D. Dave . . . .	Indian . . . .	225	33 0 0
5. Dandūmal Vadhumal . . . .	Indian . . . .	325	34 0 0

LOWERING OF THE POSTAL RATES.

1166. \***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the income from the Indian Telegraph Department in the half year ending 30th September, 1932, and the corresponding income for 1930?

(b) Will Government be pleased to state the income from the sale of  $1\frac{1}{2}$  annas, one anna,  $\frac{1}{2}$  anna and  $\frac{1}{4}$  anna stamps and of stamped envelopes and postcards in the half-year ending 30th September, 1932, and the corresponding figure of income for 1930?

(c) Will Government be pleased to state whether they have gained or they have lost by the increase of the postal rates?

(d) Do Government propose to decrease the postal rates if they find any loss in the income in comparison with the previous years, on account of the experimental increase of the postal rates?

**The Honourable Sir Frank Noyce:** (a) A large part of the receipts from telegrams is collected through the medium of postage stamps and a distribution of such receipts between the postal and telegraph branches is made at the end of each financial year. It is not possible to give figures of income for the telegraph branch alone for a portion of any year.

(b) No separate account of the sale proceeds of stamps of particular denominations is maintained. The information required by the Honourable Member is therefore not available.

(c) So far as can be ascertained the increases in postal rates have resulted in a net gain.

(d) In view of the reply to part (c) Government have not yet had occasion to consider the matter.

#### ACCURAL OF STERLING PENSIONS.

1167. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that sterling pensions accrue in India?

(b) Have Government taken legal advice on the question whether the sterling pension accrues in India or outside India? If not, do they propose to take it now?

**The Honourable Sir Alan Parsons:** (a) That is the view held by the Government.

(b) The answer to both questions is in the negative.

#### LOSS SUSTAINED BY GOVERNMENT DUE TO THE ISSUE OF THE FINANCE DEPARTMENT NOTIFICATION NO. 1319-F., DATED THE 28TH APRIL, 1920.

1168. **\*Mr. M. Maswood Ahmad:** (a) What amount did Government lose on account of the exemption of the leave salary, salary, allowances, leave allowances and pensions of officers in 1931-32 under Notification No. 1319-F., Government of India, Finance Department, dated Simla, the 28th April, 1920?

(b) What were the reasons for issuing the Notification mentioned above?

**The Honourable Sir Alan Parsons:** (a) No amount so far as concerns pensions and leave salaries paid to officers not returning to India, because even if there were no exemption, tax could not be recovered.

In regard to leave allowances, it is practically impossible to compile the information asked for. In order to do so a *pro forma* assessment would have to be made on each officer concerned. A rough estimate is about 10 to 15 lakhs per annum.

(b) Because the privilege had been in existence for a great many years and it was not considered expedient to withdraw it.

**ARMED GUARDS FOR ARMOURIES AND TREASURIES OF STATIONS OF THE EAST INDIAN RAILWAY AND THE EASTERN BENGAL RAILWAY.**

**1169. \*Mr. M. Maswood Ahmad:** (a) At what stations of the East Indian Railway and Eastern Bengal Railway are armed guards employed to guard the armoury or treasury? Since what year has this system been inaugurated?

(b) What was the expense on this item at each station during the years 1930-31 and 1931-32?

(c) Will Government state what is the communal composition of this force giving the numbers of Hindus, Muslims, Anglo-Indians, Europeans, and others?

(d) Is this a permanent service or a temporary one, and what are the rates of pay of the entrants and the requisite qualifications?

(e) Were these posts advertised? If so, in what papers, and by whom?

(f) Is it a fact that formerly the Government Railway Police were in charge of this duty? If so, why are they no longer employed to discharge this duty.

**Mr. P. R. Rau:** I have called for certain information to enable me to reply to this question. I shall place a reply on the table in due course.

**VOTERS' LIST FOR THE CONSTITUENCIES OF THE CENTRAL AND PROVINCIAL LEGISLATURES.**

**1170. \*Mr. M. Maswood Ahmad:** Do Government propose to keep in the Library a copy of the voters' list for the constituencies of the Central and Provincial Legislatures for references in connection with the new reforms?

**The Honourable Sir B. L. Mitter:** The precise import of the question is not clear. There is available in the Library of the House the usual return showing the results of elections to the Central and Provincial Legislatures, and containing information in regard to constituencies, numbers of voters, votes polled, etc. It is not apparent what practical purpose would be served by a list of the names of voters for all the Legislatures, the value of which would not in any case be commensurate with the time, labour and expense involved in its preparation and maintenance.

**Mr. M. Maswood Ahmad:** Are Government aware that these copies are sold by Local Governments at a very cheap rate and Government can easily purchase them and keep them in the Library, because, in connection with the new reforms, Members do wish to consult them and to see the number of voters and compare many other things?

**The Honourable Sir Brojendra Mitter:** If these copies are sold cheaply, surely the Honourable Member may buy himself. Anyhow, if it is the desire of the Honourable Member, there is no objection to buy these copies and keep them in the Library.

**Mr. M. Maswood Ahmad:** Thank you for the undertaking. Further, I inform you, that Members purchase for their Libraries, but can not bring their Libraries to Delhi and Simla.

**REDUCED SCALES OF SALARIES AND ALLOWANCES FOR THE FUTURE ENTRANTS TO SUPERIOR CIVIL AND ARMY SERVICES.**

1171. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the final decision regarding the reduced scales of salaries and allowances for the future entrants to Superior Civil and Army Services is under active consideration of the Government?

(b) By what time do Government propose to announce the final decision?

**The Honourable Sir Alan Parsons:** (a) and (b). No final decision has yet been reached. The matter is under active consideration.

**Dr. Ziauddin Ahmad:** May I ask, Sir, whether it is not a fact that the officer on special duty was appointed on the recommendation of the Retrenchment Committee? Will his report be considered by the Retrenchment Committee?

**The Honourable Sir Alan Parsons:** I am not quite sure, Sir, that the officer was appointed on the recommendation of the Retrenchment Committee, but I am quite sure that the Retrenchment Committee were aware that Government proposed this appointment. I cannot speak for myself, but I am fairly sure that Sir George Schuster, on his return, will call a meeting of the Retrenchment Committee to consider the work that this officer has done.

**Dr. Ziauddin Ahmad:** In a meeting of the Retrenchment Committee it was explicitly mentioned that the officer on special duty will prepare a preliminary report and that report will be laid before the Retrenchment Committee.

**The Honourable Sir Alan Parsons:** That is not exactly what I, at any rate, understood from the minutes which I saw of that meeting of the Committee, but, I think, my Honourable friend may take it that his work will be considered by the Retrenchment Committee.

**Dr. Ziauddin Ahmad:** I have not seen the minutes, but it was discussed whether an officer on special duty should be appointed and afterwards it was decided by a majority that an officer should be placed on special duty and his report, at least in principle, should be discussed by the Retrenchment Committee.

**The Honourable Sir Alan Parsons:** The Honourable Member will not think that I am for a moment disputing his account of what occurred at a meeting of the Retrenchment Committee at which I was not present.

**PAYMENTS MADE TO THE BRITISH INDIA STEAM NAVIGATION COMPANY AND OTHER BRITISH SHIPPING COMPANIES.**

1172. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the British India Steam Navigation Company received from the Government of India a sum of Rs. 15,18,000?

(b) Is it a fact that a number of other British shipping companies get subsidy or subventions from the Government of India?

(c) For what services rendered by the British India Steam Navigation Company and other British Companies are payments made?

(d) Will Government be pleased to lay on the table the terms of the contracts?

**The Honourable Sir Frank Noyce:** (a) and (b). The Honourable Member's attention is drawn to the reply given on the 21st September, 1932, to parts (d) and (e) of the Honourable Raj Bahadur Lala Jagdish Prasad's question No. 74 in the Council of State.

(c) The Honourable Member is referred to items (1) to (15) and (26) to (64) of Appendix XI, pages 100 to 103 of the Posts and Telegraphs Department Annual Report for the year 1930-31.

(d) Copies of the contracts with the British India Steam Navigation Company and the Irrawaddy Flotilla Company have been placed in the Library. The existing agreement for the rendering of certain services by the River Steam Navigation Company and the Indian General Navigation Company was made in 1931 and is being embodied in a formal contract which has not yet been executed.

**LIST OF NAMES SUGGESTED FOR THE THIRD ROUND TABLE CONFERENCE TO HIS MAJESTY'S GOVERNMENT.**

1173. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether they had recommended some names for the Third Round Table Conference to His Majesty's Government?

(b) Will Government be pleased to state whether all the names suggested by them were accepted by His Majesty's Government?

(c) Will Government be pleased to state what alterations were made by His Majesty's Government in the list of names suggested?

(d) Will Government be pleased to lay on the table the list of names suggested by them for the Third Round Table Conference to His Majesty's Government?

**The Honourable Sir B. L. Mitter:** (a) As has been repeatedly stated in this House, the Honourable Member no doubt realizes that this matter is not the concern of the Governor General in Council.

(b), (c) and (d). Do not arise.

**Mr. B. Das:** May I inquire if the Governor General in Council had any knowledge of the names that were selected for the Round Table Conference by the British Government and which were subsequently announced by the British Government?

**The Honourable Sir Brojendra Mitter:** The Governor General in Council had no information whatsoever.

**RESOLUTIONS OF THE INDIAN LEGISLATURE.**

1174. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to lay on the table a statement in respect of the Legislative Assembly from the inception of the Montford Reforms up till the end of the last Session showing:

(a) the Resolutions which were admitted by the Presidents;

(b) the Resolutions which were disallowed by the Governor General;



- (c) the Resolutions which were moved in the Legislative Assembly;
- (d) the Resolutions which were negatived;
- (e) the Resolutions which were withdrawn by the Movers on some assurances given by the Government;
- (f) the Resolutions which were passed; and
- (g) what actions were taken on the Resolutions mentioned in parts (e) and (f)?

**The Honourable Sir Brojendra Mitter:** The information is being collected and will be laid on the table in due course.

**PREPONDERANCE OF EUROPEANS AND ANGLO-INDIANS AMONG THE SENIOR SUBORDINATE OFFICERS IN THE CUSTOMS SERVICE.**

1175. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that there is a large preponderance of Europeans or Anglo-Indians among the senior subordinate officers in the Customs service?

(b) What procedure do Government propose to follow in future recruitment, to avoid the preponderance of any one community among the senior subordinate officers?

**The Honourable Sir Alan Parsons:** (a) Yes.

(b) The Government are following their ordinary rule, namely, the reservation of one-third of all permanent vacancies for the redress of communal inequalities.

**TRAINING OF APPRENTICES FOR THE SUPERIOR REVENUE ESTABLISHMENT OF THE INDIAN STATE RAILWAYS AT JAMALPUR.**

1176. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that apprentices for the Superior Revenue Establishment of the Indian State Railways are trained at Jamalpur?

(b) Is it a fact that, after an examination in the third year, either they are selected for further training in England or they are doomed to be turned out of the institution?

(c) Is it a fact that there are no external examiners for the third year examination?

(d) Is it a fact that the question of appointing all the examiners from outside the institution was under the consideration of Mr. Hayman, a Member of the Railway Board?

(e) Do Government propose to consider the desirability of having external examiners for the third year examination?

**Mr. P. R. Rau:** (a) Apprentices for the Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment of State-managed Railways are trained at Jamalpur.

(b) The selection for further training in England is after the 4th year of training and those not so selected are liable to be discharged.

(c), (d) and (e). Yes.

**STRENGTH OF OFFICERS IN THE JAMALPUR WORKSHOP.**

1177. **\*Mr. M. Maswood Ahmad:** (a) Leaving the chargemen, what is the strength of officers in the Jamalpur workshop?

(b) How many of these officers are Muslims, non-Muslims and Christians (including Anglo-Indians and Europeans)?

**Mr. P. B. Rau:** With your permission Sir, I propose to reply to questions Nos. 1177, 1178 and 1179 together.

I have called for information regarding part (a) of these questions and will lay a reply on the table, in due course. Government regret that they are unable to give a reply to part (b) of these questions. Information regarding the communal composition of railway staff by various categories is given in the annual administration reports on Indian railways and Government are unable to supplement these statistics by details about individual offices or classes of staff.

**STRENGTH OF CHARGEMEN AT THE JAMALPUR WORKSHOP.**

†1178. **\*Mr. M. Maswood Ahmad:** (a) What is the strength of the chargemen in the Jamalpur workshop?

(b) How many of them are Muslims, non-Muslims and Christians (including Anglo-Indians and Europeans)?

**PROFESSORS AND DEMONSTRATORS IN THE TRAINING INSTITUTE, JAMALPUR.**

†1179. **\*Mr. M. Maswood Ahmad:** (a) How many Professors and Demonstrators are there in the Training Institute, Jamalpur (separately)?

(b) How many Professors and Demonstrators (separately) are Muslims, non-Muslims, Christians (including Anglo-Indians and Europeans)?

**STUDENTS ADMITTED IN THE TECHNICAL SCHOOL AT JAMALPUR FOR TRAINING.**

1180. **\*Mr. M. Maswood Ahmad:** (a) How many students have been admitted during the last ten years in the technical school, Jamalpur, for training?

(b) How many of them were Muslims, non-Muslims and Christians (including Anglo-Indians and Europeans):

(c) How many Muslims, non-Muslims and Christians (including Anglo-Indians and Europeans) from amongst the admitted were sent to England for further training?

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† For answer to this question, see answer to question No. 1177.

(d) If a certain percentage is not fixed for Muslims for admission, what other method do Government propose to adopt for the adequate representation of Muslims in the appointments filled from amongst these students?

**Mr. P. B. Rau:** (a) and (b). The recruitment of special class apprentices for the Mechanical Engineering and Transportation (Power) Departments of State Railways started from 1926-27. The number of apprentices recruited up to date is 31 Hindus, 11 Muslims, 9 Anglo-Indians, 3 Indian Christians and 4 of other communities.

(c) The number of apprentices sent to England for further training on completion of their training in India is five Hindus, three Muslims, one Anglo-Indian, two Indian Christians and one Parsee.

(d) No percentage is fixed for any particular community. The initial recruitment and subsequent selection for training in England are made in accordance with rule 4 of Part I and Rule 4 of Appendix I, to the Regulations for recruitment to these Departments, copies of which are in the Library of the House. This rule provides that one-third of the vacancies will be reserved by the Government of India to redress as far as may be necessary marked communal inequalities.

## UNSTARRED QUESTIONS AND ANSWERS.

### FILTERED WATER SUPPLY IN NEW DELHI.

179. **Mr. S. C. Mitra:** Will Government be pleased to refer to the reply to starred question No. 599, dated the 19th February, 1931, and state if the charge of filtered water supply in New Delhi has been transferred to the New Delhi Municipality; if so, from what date and what method has been adopted by the New Delhi Municipality? If there has been any change in the previous arrangements, will Government state the reasons for the same?

**Mr. G. S. Bajpai:** Arrangements for the supply of filtered water in New Delhi were transferred to the New Delhi Municipal Committee with effect from the 1st March, 1932. The Honourable Member presumably wishes to know whether there has been any change in the method of recovering water charges. Except that the bills are now sent monthly instead of quarterly, there has been no change.

### UNSUITABLE SITE FOR QUARTERS AT PAHAR GANJ, DELHI.

180. **Mr. S. C. Mitra:** (a) Will Government be pleased to refer to unstarred question No. 87 answered on the 20th January, 1930, and state if the portion of land in the vicinity of 'E' Type quarters near Pahar Ganj, which was being used as a dumping ground, has since been closed and the throwing of filth therein stopped?

(b) Have the quarters referred to at part (a) above been allotted to, and occupied by, clerks, and have they made any complaint about bad smell on account of the dumping ground?

(c) Are Government prepared to ask the Industries Member and Health Member to visit the area at least twice during the summer months, especially after rain-fall, to enable them to realise the difficulties of the neighbouring inhabitants? If not, why not?

(d) If any decision on the subject has since been arrived at, will Government be pleased to lay a copy of the same on the table together with a copy of the statement from the occupants of the quarters referred to at part (b) above in support of their having no complaint in the matter? If not, why not?

**Mr. G. S. Bajpai:** (a) No dumping is now going on within the New Capital Area near the quarters referred to by the Honourable Member. It is, however, understood that a portion of land near these quarters, which is within the limits of the Delhi Municipality, is still being used as a dumping ground by that body and has not yet been closed owing to lack of funds.

(b) The quarters have all been allotted and are now occupied. Certain complaints regarding bad smell were received in 1930 and 1931, but none have been received since.

(c) and (d). No. The Honourable Member will realise that as the area, still being used as dumping ground, is within the jurisdiction of the Delhi Municipal Committee who use it as such, final decision in the matter does not rest exclusively with Government, but the Delhi Municipal Committee are being consulted.

#### WATER TAPS ON THE ROADS IN NEW DELHI.

181. **Mr. S. C. Mitra:** Will Government be pleased to state:

- (a) the total number of water taps on the roads in New Delhi; if none, why;
- (b) if the necessity of water taps on the roads in New Delhi has been ever considered; if so, what arrangements have been made for the provision of water aid in case of any attack with sunstroke during the extreme heat of New Delhi;
- (c) what the total number of deaths has been in New Delhi on account of sunstroke this year;
- (d) whether Government ever considered the necessity of providing water taps on the roads in New Delhi; and
- (e) whether Government propose to issue necessary orders immediately for the provision of a sufficient number of water taps on the roads in New Delhi?

**Mr. G. S. Bajpai:** (a) Seven. In addition, there are water taps near Tonga Stands, Dhobi Ghats, Coolie Lines and Peons' quarters which are accessible to the public.

(c) One.

(b), (d) and (e). Do not arise.

## SUPPLY OF FILTERED WATER IN NEW DELHI.

182. **Mr. S. C. Mitra:** Will Government be pleased to state:

- (a) who is the authority in charge for the supply of filtered water in the New Delhi area this year;
- (b) who was in charge for the supply of filtered water in the New Delhi area last year and year before last;
- (c) whether supply of filtered water was ever stopped for any length of time during the day in previous years; if so, when;
- (d) if the reply to part (c) above be in the negative, the reasons for the stoppage of the supply of filtered water between 9 A.M. and 5 P.M. this year during the extreme hot weather of New Delhi;
- (e) whether Government are aware that this action resulted in a great inconvenience, troubles and unnecessary expenditure to the occupants of Government quarters and private houses in New Delhi; and
- (f) whether the matter was represented to Government by the occupants of Government quarters individually, jointly or through any agency; if so, what action has been taken; if none, why not?

**Mr. G. S. Bajpai:** (a) New Delhi Municipal Committee.

(b) Central Public Works Department.

(c) Yes. In 1931, water supply was closed from 2nd May to 6th May between the hours of:

(i) 12 Noon to 2 P.M.

(ii) 10 P.M. to 4 A.M.

and from the 7th May to 1st June, from 10 P.M. to 4 A.M.

(d) Does not arise.

(e) This action might have caused temporary inconvenience, but there was no hardship.

(f) Some representations were received on the subject. The question of improving the water supply of Delhi is under consideration.

## POPULATION AND CONSUMPTION OF WATER IN NEW DELHI.

183. **Mr. S. C. Mitra:** Will Government be pleased to state separately in a tabulated form:

- (a) the total population of New Delhi during the last winter months and the present summer months;
- (b) the total amount of monthly consumption of filtered water in New Delhi during the winter and the present summer months; and
- (c) what was the population and consumption of water during both the seasons in 1929, 1930 and 1931?

**Mr. G. S. Bajpai:** (a), (b) and (c). A statement giving the information asked for is laid on the table. The figures of population are approximate.



LOCATION OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

184. **Mr. S. C. Mitra:** Will Government be pleased to refer to starred question No. 243 answered on the 9th September, 1929, and state:

- (a) whether the Wireless Branch has since been located in Delhi in its entirety and whether Government have provided sufficient accommodation for the office and staff at Delhi;
- (b) if the reply to any part of (a) above be in the negative, the reasons for locating the Branch permanently in Delhi; and
- (c) whether the clerks of that Branch who have not been provided with residential accommodation have been suitably compensated, if so, in what shape; if not, why not?

**Mr. T. Ryan:** (a) The Wireless Branch was located permanently at New Delhi from the end of 1930. Office and residential accommodation for the staff of that branch have been provided except that in the case of two clerks residential quarters have not yet become available.

(b) As a measure of economy and with a view to facilitating the working of the Branch.

(c) As the two clerks, for whom residential quarters have not yet become available, do not belong to the staff moving regularly between New Delhi and Simla, the question of the grant to them of compensation, admissible to the latter staff not provided with quarters while at New Delhi, does not arise.

MOVE OF THE SUPERINTENDENT OF THE WIRELESS SECTION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS BETWEEN DELHI AND SIMLA.

185. **Mr. S. C. Mitra:** Will Government be pleased to refer to starred question No. 247 answered on the 9th September, 1929, and state:

- (a) if the Superintendent of the Wireless Branch still moves between Simla and Delhi for the reasons stated by Government; if not, why not;
- (b) if the reply to part (a) above be in the negative, whether the interests of the service will not now be best served by moving the Superintendent with the Director, Wireless; and
- (c) if the same Superintendent is still in the Branch; if not, whether the new Superintendent is not considered suitable to move between Simla and Delhi with the Director, Wireless, or whether he is not conversant with the different classes of work done in the Branch?

**Mr. T. Ryan:** (a) No, because the headquarters of the Wireless Section is now located at New Delhi.

(b) No.

(c) The same Superintendent is not still in the branch. The rest of the question does not arise in view of the reply to part (a).

## GRIEVANCES OF TICKET COLLECTORS.

186. **Mr. T. N. Ramakrishna Reddi:** (a) Has the attention of Government been drawn to the correspondence that appeared in the *Swarajya* daily dated 13th May, 1932, under the heading "Grievances of Ticket Collectors"?

(b) If so, do Government propose to take any steps to redress these grievances?

**Mr. P. R. Rau:** (a) Yes.

(b) A copy of the letter has been sent to the Agent, Madras and Southern Mahratta Railway, for such action as he may consider necessary.

## REMOVAL OF A PORTION OF THE GOVERNMENT OF INDIA CENTRAL PUBLICATION BRANCH FROM CALCUTTA TO DELHI.

187. **Haji Ohaudhury Muhammad Ismail Khan:** (a) Will Government be pleased to state whether it has been finally decided:

(i) to remove to Delhi a portion of the Government of India Central Publication Branch now located in Calcutta;

(ii) to discharge the temporary staff now working in that portion; and

(iii) to recruit temporary hands in their places in Delhi?

(b) Are Government aware that the temporary staff in the Calcutta office are willing to come to Delhi at their own cost provided that the continuity of their service is not broken?

(c) If the answer to part (b) be in the affirmative, what is the decision of the Government in the matter?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b) and (c). The Controller has agreed to a proposal made by the Manager, Central Publication Branch, that the temporary men discharged at Calcutta may be re-employed in Delhi provided that they travel to that station at their own expense. It is within the competence of the appointing authority to condone any interruption in service of the men so re-employed.

## COMMUNAL PERCENTAGE OF EX-APPRENTICES APPOINTED IN THE EAST INDIAN RAILWAY WORKSHOP AT LILLOOAH.

188. **Mr. S. C. Mitra:** Will Government please state the percentage of European, Anglo-Indian and Indian ex-apprentices (who were trained in the East Indian Railway Mechanical Department, Lillooah) appointed as Mechanics, Draughtsmen and Chargemen in the East Indian Railway Workshop (Mechanical), Lillooah, since 1929?

**Mr. P. R. Rau:** I have called for information and will lay a reply on the table, in due course.

## UNIFORM POLICY FOR ALL RAILWAY STAFF IN THE MATTER OF RECORDING OF ADVERSE OR CONFIDENTIAL REPORTS.

189. **Mr. Gaya Prasad Singh:** (a) Will Government please state whether they have a uniform policy for all staff (officers as well as subordinates) under the control of the Railway Board that happen to be adversely reported on confidentially or otherwise?



(b) Is this policy as stated by the Railway Board (*viz.*, "That it is the practice to obtain and consider the explanation of an employee before a decision is arrived at to record an adverse remark on his service record") yet in force for both officers and subordinates? If there is any distinction, in what way, and why?

(c) If the policy exists of obtaining and considering an explanation, and it is found that the person or persons adversely reported on had not been given an opportunity of submitting their explanation or defence, are Government prepared to consider what disciplinary action should be taken against the officials guilty of this omission?

(d) Do Government propose to consider the advisability of directing that all documents, such as personal files, service sheets, and records, in which adverse remarks are made, be given under adequate safeguards to the person concerned for perusal?

(e) Are Government aware that adverse remarks are often made by the clerical staff on small pay on personal files, and that these remarks are accepted point blank by the supervisory and higher staff, and do Government propose to take steps so that every man may review his personal file and service sheet once a year, and always at the time when he is charged with any offence?

**Mr. P. R. Rau:** (a) and (b). For officers the general rule is that in no case should an officer be kept in total ignorance for any length of time that his superiors are dissatisfied with him. Where, however, criticism is to be withheld, the period for which communication is to be kept back should be recorded with reasons by the Agent or Head of Department concerned. Agents have been advised that in the opinion of the Railway Board it is in most cases inadvisable for an officer to be given an unfavourable confidential report before an opportunity has been taken of pointing out to him the defects noticed in him or his work. In the case of subordinates the procedure is laid down by the railway administrations. As a result of enquiries made in 1929 the Railway Board understand that while on some railways the general practice is to give the railway employees concerned an opportunity of giving an explanation before adverse reports are recorded, on others the substance of such reports, after they are recorded, is communicated to them.

(c) This is a hypothetical question. Government will consider what action is necessary when such a case arises.

(d) Government do not consider any such instructions necessary.

(e) The answer to the first part of the question is in the negative but the Honourable Member's question will be brought to the notice of the Agents of State-managed Railways to enable them to consider whether any action is necessary.

#### INDIAN ASSISTANT SUPERINTENDENTS OF POLICE IN THE BOMBAY PRESIDENCY.

190. **Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state how many Indian Assistant Superintendents of Police have been taken direct in the Bombay Presidency, since 1923?

(b) Will Government be pleased to state how many of them are Hindus, Muhammadans, Parsis and Anglo-Indians?

(c) Will Government be pleased to state how many of these directly recruited Assistant Superintendents of Police were taken by selection as the result of the Indian Police Service competitive examination and how many by nomination; in the latter case, whether they possess the minimum educational qualification of a degree of a University?

(d) Will Government be pleased to state if it is a fact that at present there is not a single Muhammadan on the list of 30 Assistant Superintendents of Police in the Bombay Presidency?

(e) If so, are Government prepared to draw the particular attention of the Public Service Commission to the total absence of the Muslim element in the cadre of the Assistant Superintendents of Police, with a view to considering the claims of Muslim candidates for recruitment in this service at the forthcoming selection, and thereby redress the grievance of the Muslim community?

**The Honourable Mr. H. G. Haig:** (a) Eight.

(b) Hindus 5, Muhammadan 1, Parsi 1 and Anglo-Indian 1.

(c) Four were appointed by competitive examination and four by nomination. Of the latter three were graduates. The only undergraduate was appointed in 1923 when the rules in force permitted the nomination, in special cases, of candidates who had passed the F. A. standard.

(d) The reply is in the affirmative.

(e) The matter is one for consideration in the first instance by the Local Government to whom I shall forward a copy of the question and answer.

**CONDITION OF MAULANA MUFTI KIFAYAT ULLAH, PRESIDENT, JAMIYAT-UL-ULEMA-I-HIND, DELHI, IN MULTAN JAIL.**

191. **Khan Bahadur Haji Wajihuddin:** Is it a fact that Maulana Mufti Kifayat Ullah Saheb, President, Jamiyat-ul-Ulema-i-Hind, Delhi, is suffering from serious heart disease and, if so, will Government be pleased to remove the anxiety of the Muslim public by publishing full details with regard to his disease, conditions and arrangements of treatment made and food provided for him by the local authorities at Multan Jail?

**The Honourable Mr. H. G. Haig:** Maulana Mufti Kifayat Ullah has had two attacks of palpitation of the heart, due to indigestion, during the last eight months. His condition is not at all serious and, on the elimination of red pepper from his diet, his digestion has improved considerably.

**CLASSIFICATION OF MAULANA AHMAD SAIED, SECRETARY OF THE JAMIYAT-UL-ULEMA-I-HIND, DELHI, IN JAIL.**

192. **Khan Bahadur Haji Wajihuddin:** Is it a fact that Maulana Ahmad Saied Saheb, Secretary of the Jamiyat-ul-Ulema-i-Hind, has not been granted the privilege of class 'A' in the Jail, as allowed to other political leaders of India and, if so, are Government prepared to consider the advisability of allowing him the same privilege? If not, why not?

**The Honourable Mr. H. G. Haig:** Maulana Ahmad Saied has been placed in "B" class. Recommendations for the classification of a prisoner into "A" or "B" class for purposes of jail treatment are made by the trying Court in accordance with the principles laid down in the Home

Department *Communiqué*, dated the 19th February, 1930, of which a copy is available in the Library. The trying Magistrate's recommendation in the case was confirmed by the Local Government after due consideration.

#### HARDSHIPS OF INDIAN PILGRIMS TO JEDDAH.

193. **Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that since the last few years pilgrim passports, both originals and counterfoils, are taken from Indian pilgrims to holy places immediately they land at Jeddah and thereafter the original portions are not returned to them at the same time, as was the practice in the past, but are returned either next day or the day after resulting in the unnecessary stoppage of the pilgrims at Jeddah?

(b) Are Government prepared to have the said hardships removed without delay? If not, why not?

**Mr. G. S. Bajpai:** (a) and (b). When Indian pilgrims land at Jeddah, their passes which have no counterfoils are collected by Vakils for endorsement by the Passport Office, thereby saving individual detentions at the quay. The Vakils then enter particulars about the pilgrims in their own registers and take them to the British Legation to deposit their return tickets and obtain receipts for them. The short delay involved in the observance of this procedure is inevitable but is usually reduced to the minimum so that there is no undue hardship, and this interval is utilised by the Vakils in arranging for the clearance of pilgrims' luggage from the Customs House and its onward transportation.

#### TRANSLATION AND THE ORIGINAL TERMS OF THE AGREEMENT SIGNED BY THE MUSLIMS OF DELHI WHEN THE POSSESSION OF THE JUMA MASJID WAS GIVEN THEM IN 1862.

194. **Khan Bahadur Haji Wajihuddin:** Will Government be pleased to lay on the table a copy of the translation and the original terms of the agreement signed by the Muslims of Delhi when the possession of the Jumma Masjid was given to them by the Government in 1862 as promised in reply to question No. 847 in the meeting of the Legislative Assembly held at Simla on the 29th September, 1932, along with the correspondence that has so far taken place between Government and the Jumma Masjid Committee during the year?

**The Honourable Mr. H. G. Haig:** A copy of the agreement was laid on the Table on the 30th September. As regards the second part of the question, I would refer the Honourable Member to the reply given by me to Mr. M. Maswood Ahmad's starred question No. 1214.

#### CARRYING OF LETTERS AND PARCELS AT CHEAPER RATES BY PRIVATE AGENCIES IN THE BOMBAY PRESIDENCY.

195. **Khan Bahadur Haji Wajihuddin:** Is it a fact that some private agencies in the Presidency of Bombay have undertaken to carry letters and parcels at much cheaper rates than the postal rates resulting in loss to the postal revenue and, if so, do Government propose to consider the advisability of bringing down the postal rates to the pre-war level? If not, why not?

**The Honourable Sir Frank Noyce:** It is a fact that certain firms and individuals in the Bombay Presidency were carrying letters and parcels

from one station to another. Neither the reason for this undertaking nor the rates charged are known to Government. The action of these persons and firms has resulted in a loss of postal revenue. The Government do not propose at present to consider the question of bringing down the postal rates to the pre-war level, as such a reduction would result in very serious loss to the Department.

#### HOURS OF RECEIPT AND DESPATCH OF TELEGRAMS AT MOTIPUR IN THE DISTRICT OF MUZAFFARPUR.

196. **Maulvi Muhammad Shafee Daoodi:** (a) Are Government aware that the hours of receipt and despatch of telegrams at Motipur in the district of Muzaffarpur are very short and inconvenient, these being only from 11 A.M. to 5 P.M.?

(b) Are Government aware that Motipur is a place of considerable business importance in the locality?

(c) Are Government aware that a very big sugar factory is also going to be erected at Motipur and that arrangements for the same are in rapid progress?

(d) Are Government aware that the promoters of the sugar factory and other businessmen at Motipur are put to a lot of inconvenience and suffer a great loss in despatching and receiving their telegrams, both inland and foreign, on account of the shortness of the time allowed for the same?

(e) Are Government prepared to take steps to change the hours of receipt and despatch of telegrams at Motipur as from 8 A.M. to 8 P.M.?

**Mr. T. Ryan:** (a), (b) and (d). The working hours of the Motipur Post and Telegraph office are not as stated by the Honourable Member. They are from 7 A.M. to 8 A.M. and from 11 A.M. to 5 P.M. The Postmaster-General reports that the traffic is very small, that he has received no complaints, and that there appears to be no necessity to extend the working hours.

(c) and (e). The matter is within the competence of the Postmaster-General, Bihar and Orissa Circle, to whom a copy of the question is being sent. If the establishment of the factory results in such an increase of telegraph traffic as justifies it, the working hours will no doubt be extended.

#### STATEMENTS LAID ON THE TABLE.

**Mr. T. Ryan** (Director General of Posts and Telegraphs): Sir, I lay on the table the information promised in reply to starred question No. 400, asked by Mr. N. M. Joshi, on the 19th September, 1932.

#### RAILWAY MAIL SERVICE TRAINING CLASS AT BOMBAY.

\*400. (a) Yes, from the 10th September, 1930.

(b) The 1st February, 1932.

(c) The reply to the first part is in the affirmative. As regards the second part such retransfers were not considered desirable owing to the cost involved, the inconvenience to the men themselves, and the dislocation of work which would have resulted.

(d) The training class was not reopened as a measure of economy but to meet the administrative needs of the department.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table the information promised in reply to starred question No. 360, asked by Mr. A. Das, on the 16th September, 1932.

#### AERODROME AT SITAPUR.

\*360. (a), (b) and (c). There is no record of any expenditure on the acquisition of land or the preparation of a landing ground at Sitapur.

(d) The following expenditure was incurred in 1925-26 on account of alterations to the barracks in Sitapur to make them suitable for the accommodation of Mechanical Transport :

	Rs.
Provision of accommodation .. ..	29,950
Conversion of barracks into motor garages .. ..	9,800
Construction of approach roads and culverts .. ..	4,200
Total ..	<u>43,950</u>

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table: (i) the information promised in reply to unstarred questions Nos. 61, 62 and 63 asked by Mr. K. C. Neogy on the 27th September, 1932; (ii) the information promised in reply to starred questions Nos. 645 and 650 asked by Mr. K. P. Thampan on the 22nd September, 1932; (iii) the information promised in reply to unstarred question No. 128, asked by Sir Zulfiqar Ali Khan on the 27th September, 1932; (iv) the information promised in reply to unstarred question No. 71, asked by Mr. N. M. Joshi on the 27th September, 1932; (v) the information promised in reply to parts (d) and (e) of starred question No. 314 asked by Mr. M. Maswood Ahmad on the 16th September, 1932; (vi) the information promised in reply to unstarred question No. 142, asked by Mr. K. C. Neogy on the 28th September, 1932; (vii) the information promised in reply to starred question No. 602 asked by Mr. A. H. Ghuznavi on the 22nd September, 1932; and (viii) the information promised in reply to unstarred question No. 143 asked by Mr. K. C. Neogy on the 28th September, 1932.

#### EXPENDITURE ON THE EDUCATION OF THE CHILDREN OF EUROPEAN, ANGLO-INDIAN AND INDIAN EMPLOYEES OF STATE RAILWAYS.

61. The figures so far as State-managed railways are concerned are as follows :

- (1) Rs. 6,53,239,
- (2) Rs. 1,73,243.

#### EXPENDITURE BY THE EAST INDIAN RAILWAY ON CERTAIN RAILWAY SCHOOLS.

62. (1) Rs. 1,62,847,
- (2) Rs. 54,235,
- (3) Rs. 75,363.

**AMOUNT SPENT BY THE EAST INDIAN RAILWAY ON THE EDUCATIONAL ASSISTANCE OF EUROPEAN, ANGLO-INDIAN AND INDIAN EMPLOYEES.**

63. (1) Rs. 39,885.

(2) Rs. 2,460.

**ALLEGED KICKING OFF OF A MILK POT BY AN ANGLO-INDIAN TRAFFIC INSPECTOR ON A CERTAIN PLATFORM.**

\*645. (a) Yes.

(b) and (c). The Agent, Madras and Southern Mahratta Railway, reports that the Station Master was transferred in the interests of smooth working. The Traffic Inspector has been instructed by the Railway Administration to vindicate his character in a Court of Law. From an enquiry it has been found that the pot was not kicked over. The milk, exposed for sale, was poured out as it was both watery and sour and contrary to the agreement entered into between the Railway Company and the platform contractor.

**OLD THIRD CLASS CARRIAGES USED AS QUARTERS FOR STATION MASTERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

\*650. (a) Yes.

(b) The stations mentioned are flag stations and the staff are accommodated in carriage bodies which are kept in a good state of repair.

(c) Yerrampalli from September, 1927.

Manumaka from August, 1925.

Kadavakuduru from October, 1928.

				Coaching.	Goods.
				Rs.	Rs.
(d) Yerrampalli	..	..	1928-29	5,211	2,487
			1929-30	4,569	455
			1930-31	4,684	1,734
Manumaka	..	..	1925-26	1,681	1,293
			1926-27	3,595	1,675
			1927-28	4,210	282
			1928-29	8,439	172
			1929-30	6,339	68
			1930-31	5,141	81
Kadavakuduru	..	..	1929-30	11,199	25,945
			1930-31	10,561	66 912

(e) On the 8th July, 1926, as the result of a quarrel the station sweeper at Manumaka stabbed the station clerk several times which resulted in the latter's death.

**APPOINTMENT OF MUSLIMS IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY.**

128. (a) In the categories mentioned there is only one Muslim who is employed as Foreman in the Electrical Branch of the railway.

(b) So far officers are concerned, recruitment is made by the Railway Board and a proportion of the vacancies filled by direct recruitment is reserved for the redress of marked communal inequalities. In regard to the recruitment to subordinate grades of the Electrical and other branches the Agent reports that the Railway Board's instructions regarding the redress of such inequalities are strictly observed.

### PROMOTION OF AN ANGLO-INDIAN SUBORDINATE ON THE GREAT INDIAN PENINSULA RAILWAY.

71. (a) The Indian Officer referred to is presumably Mr. P. Kedarnath who was officiating as Assistant Traffic Manager off and on from the 27th December, 1923, and proceeded on 18 months' combined leave from the 15th August, 1931, on attaining the age-limit. He was not considered to have rendered such valuable service as to warrant a recommendation for promotion to the official grade on the eve of retirement. The Anglo-Indian officer confirmed in the Lower Gazetted Service while on extension had rendered 8 years' continuous officiating service of a valuable character. He had been recommended for confirmation about a year and a half before he was confirmed but orders were delayed pending the reorganization of the State-Railway cadres.

(b) 5 years, 2 months and 3 days.

### CREATION OF POSTS OF JOURNEYMEN IN THE MECHANICAL WORKSHOP, NORTH WESTERN RAILWAY, MOGHALPURA.

\*314. (d) and (e). The Agent explains that appointments of journeymen are ordinarily made from among Apprentices trained on the North Western Railway and occasionally by the promotion of qualified daily rated workmen and that vacancies are only advertised if qualified apprentices or daily rated workmen are not available. He states that, as in this instance, they were available the vacancies were not advertised. The Agent has been asked to consider whether the omission to advertise in such instances prejudices any qualified apprentices who have not secured employment on railways and, if so, to take measures to remove the defect.

### CARRIAGE OF GOVERNMENT AND RAILWAY MATERIALS BY INDIAN SHIPPING COMPANIES.

142. (a) Yes.

(b) The Burma Railways did not intimate that a certain freight rate only would be suitable for the carriage of scrap rails from Rangoon to Calcutta. The shipping agents were merely asked to quote their lowest sea freight charge.

(c) and (d). The quotation of the British India Steam Navigation Company at Rs. 7 per ton was accepted on the 2nd of August, 1932. The Scindia Steam Navigation Company offered Rs. 6 per ton for the carriage of these scrap rails on the 9th August, 1932, having previously quoted Rs. 18 per ton on the 1st August, 1932.

(e) The quotations differed too widely for the question of preference to be considered.

### PURCHASE OF COAL AT HIGHER RATES FOR THE RAILWAYS.

\*602. (a) and (c). Certain quantities of coal were taken delivery in arrears against contracts entered into by the East Indian Railway when it was under Company-management on the advice of the railway's legal advisers in order to discharge obligations under contracts. The market prices of these coals were lower than the prices at which the arrears were paid for. The circumstances of the purchase are as follows :

Coal supplies to the East Indian Railway from 1921—25 fell badly into arrears. This was not due entirely to negligence on the part of the contracting companies for the East Indian Railway was, at that period, not always in a position to supply in full the wagons indented for. By the beginning of the year 1925 the arrears of coal had accumulated to a very large extent. Neither the purchasers nor the sellers had in the meantime pressed vigorously for the supply of wagons because about that time the coal contractors found that with the rising prices of coal they were in a position to sell more profitably in other markets and the Railway at that time was not short of coal stocks and found they were getting better profits by utilising their existing wagon stock for the carriage of better paying merchandise.

When the price of coal declined, certain coal companies began to press for the arrears of their contracts to be delivered and as the Railway Administration accepted partial responsibility for the contracts falling into arrears (owing to their failure to supply wagons), they arranged to take the arrears from those companies who requested the Railway to do so under the conditions of the existing contracts.

(5) Separate figures for each colliery are not available.

### CARRIAGE OF GOVERNMENT AND RAILWAY MATERIALS BY INDIAN SHIPPING COMPANIES.

143. (a) The answer to the first part of this question is in the affirmative. The answer to the second part of the question is also in the affirmative but the acceptance of the quotation of the British India Steam Navigation Company had been accepted prior to the receipt of the revised quotation from the Scindia Steam Navigation Company.

(b) A time interval must of necessity elapse between acceptance of the quotation and the booking of cargo.

(c) As I have already explained, the difference between the two quotations was so wide that no question of preference to Indian shipping companies could therefore arise.

### THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to present the report of the Select Committee on the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

### THE BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) BILL.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I rise to move:

"That the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, be taken into consideration."

The Bengal terrorist movement is very present to our minds. It was less than two months ago, that this House in Simla expressed its feelings of horror at the latest outrages which had been perpetrated by members of the Bengal terrorist party. Those outrages, as Honourable Members will remember, consisted of a senseless and cowardly attack on a harmless social gathering at Pahartali near Chittagong and a determined attack, fortunately for the second time unsuccessful, to assassinate the Editor of the leading paper in Calcutta, because apparently that paper had expressed views which were displeasing to the terrorist. I said, Sir, at the time when the House was considering the Motion for Adjournment last Session, that we should be inviting them in November to pass certain supplementary legislation in pursuance of an Act that had recently been passed by the Bengal Legislative Council. I said that I trusted those proposals, when put forward, would receive the full support of the House. I am confident, Sir, that that anticipation will be fulfilled. The Bengal



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Act, which it is the purpose of our proposals to supplement, was passed by the Bengal Legislative Council on the 6th September last. It replaced certain powers which have been conferred by a special Bengal Ordinance which expires on the 27th of this month and other powers derived from the main Special Powers Ordinance which expires at the end of the year.

As Honourable Members are aware, the Bengal Government already enjoy certain special powers conferred by the Bengal Criminal Law Amendment Act for dealing with this movement. But, in spite of the existence of those powers, the Bengal Legislative Council, consisting of those, who live in the very midst of this movement, who realise from day to day what it means in a way perhaps that it is a little difficult for us here to realise, that Council passed that Bill which is known as the Bengal Suppression of Terrorist Outrages Act, by a large majority, I think I am right in saying, a majority of 58 to 12. That, Sir, will, I think, convey to the Members of this House the importance that is attached by those who live in these conditions to the additional powers that the recent Bengal Act confers. The object of the legislation, which I am inviting the House to take into consideration this morning, is merely to supplement in certain special particulars the powers which the Bengal Legislative Council have already declared as necessary for them to possess.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Why, Sir, did half the number of Members run away without voting?

**The Honourable Mr. H. G. Haig:** Now, Sir, let me, in the first place, explain very briefly the nature of the powers contained in the Bengal Act. In the first place, there are certain emergency powers of an executive character and those powers enable certain officers, executive officers, to pass executive orders in certain special circumstances. I should like the House to realise that those powers are not conferred automatically on officers throughout Bengal, that, in fact, they are confined rigidly to particular areas where the circumstances demand this exceptional treatment. In fact, those powers have only been applied in the Chittagong district, the conditions of which, as Honourable Members are fully aware, are quite exceptional. That is the first class of powers contained in the Bengal Act, and these are emergency powers for use in a particular area where the terrorist movement has got unusual hold. The second class of powers conferred by the Act deal with the establishment of Courts of Special Magistrates. These apply to the trial of specifically terrorist offences throughout Bengal. They are closely analogous to the powers conferred by section 30 of the Criminal Procedure Code. In other words, the Special Magistrates, instead of being limited to the normal sentence of two years imprisonment, are authorised to give sentences up to seven years imprisonment. The justification for that is that in dealing with these terrorist offences, it is of the utmost importance that trial should be speedy, that there should not be the delays which unfortunately occur and, particularly in connection with these terrorist trials, we see so often taking place in other parts of India. The object of granting special powers of this kind to Special Magistrates is that they should be able to take up and dispose promptly of, what one might call, the lesser offences committed in pursuit of the terrorist movement. It is no substitute for the main Courts, the Special Tribunals, which deal with the most serious offences, but the Bengal

Government find these Courts useful for dealing with less serious offences under the Arms Act or political dacoities and cases of that kind in which murder has not been committed and capital sentences are not involved.

Now, Sir, the provisions of our Bill, which is a short one and a simple one and which, I hope, will be passed by this House without any elaborate procedure, are confined to three points. The first is in regard to appeals. The Bengal Act provides that there shall be an appeal in certain cases to the Court of Session from the judgments of the Special Magistrates. But the Bengal Government are not able to provide under their own powers for an appeal to the High Court. They cannot, therefore, provide for appeals in the case of trials held in the Presidency-town of Calcutta, and they cannot provide for appeals which would ordinarily go to a Court higher than that of the Court of Session, that is to say, cases in which a sentence of more than four years' imprisonment has been imposed. The first provision, therefore, of this Bill, clause 3, secures that in those cases in which an appeal does not go to the Court of Session, an appeal should go to the High Court. That is a provision which is not likely to meet with opposition in this House. The next provision, clause 4, extends the effect of section 19 of the local Act. The Bengal Council, in passing their Act, felt it necessary to provide that orders made under the emergency powers which are conferred by the first part of the Act should not be called in question by any Court, and I think it is obvious that if these powers are to be effective, they cannot be made subject to injunctions of the Courts. We propose that just as the Bengal Act has removed the jurisdiction of the lower Courts, so we should remove the jurisdiction in this matter of the High Court. The last provision is contained in clause 5 of the Bill and provides for the exclusion of interference of Courts with the proceedings in the Courts of the Special Magistrates; in other words, the High Court will not have power to entertain applications in revision. The reason for this provision is obvious from what I have already said to the House. The object of establishing these Courts of Special Magistrates is to provide a speedy form of trial for terrorist offences. If the accused are able at every stage of the proceedings to make applications in revision to the High Court,—applications, no doubt, which would eventually not be entertained but still which would serve their purposes of delay,—if such a procedure is permitted, then the object of speedy trial is defeated. At the same time I would like once more to emphasise that in every case an appeal from the sentence of the Special Magistrates is granted and, therefore, there should be no fear that any substantial injustice will be done.

Now, Sir, those are the provisions of this simple Bill. It is perhaps unnecessary, in view of the facts to which I called attention at the beginning of my speech, to enlarge on the terrorist movement. It is one that, with its callous disregard for human life, should not be able to command the sympathy of any right-minded person. The lurking assassin who shoots a defenceless person in the back or who throws a bomb into an unsuspecting and harmless gathering can be no subject of pride to any country. The contribution of the terrorists to the life of this country is the promotion of race hatred, the organisation of crime of a peculiarly repellent and callous description and the attempt to intimidate public servants and any public men that may oppose them, by threat of murder. There are, however, those who suggest that the terrorists are simply more than usually enthusiastic reformers, that their aims are the same as those of the

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nationalists, that they merely want Swaraj and that they will then settle down into ordinary law-abiding citizens, discarding the methods of political murder. Well, Sir, I know no facts which bear out that view. Even if their aims are precisely the same as those of the nationalists, history suggests that they would not discard their methods when their aims have been attained. They have based themselves largely on Irish models; let us take some warning by Irish experience. Only yesterday I saw a telegram in which one of the *ex*-Ministers at Dublin is stated to have protested strongly in the Dail against threats of murdering him and his colleagues if they opposed Government, specially referring to the speech of a certain editor who said that while they had fists, boots and guns, if necessary, they would not allow free speech to traitors. That, Sir, is the authentic mentality of the terrorists. Those who do not agree with them are traitors and must, if necessary, be murdered. But, Sir, the aims of the terrorists, according to my information, are widening. Even if it could have been maintained some years ago that their aim was merely the liberation of the country on the lines contemplated by more respectable bodies, I do not think that can be maintained now. I have studied a number of leaflets which have been issued by terrorist organisations within the last few months, and they are very instructive. They show that they are beginning to turn for their model from Ireland to Russia. If the House will bear with me, I should like to read out some quotations from these leaflets. The first is headed "The Cult of Revolution" and is issued by what calls itself "The Socialist Republican Party". In case any one suggests that that is not a terrorist organisation. I should explain, in the first place, that they begin the leaflet by a triumphant reference to the raid on the European Club at Chittagong and the attack on the life of Sir Alfred Watson; and then they explain what they are fighting for:

"We claim to represent the down-trodden masses. The masses are eager for revolution."

Their programme is that:

"Organizations should work among the masses with the object of preparing them for armed insurrection."

And what is the object to be attained? They say:

"We stand for the establishment of socialism and the abolition of exploitation of man by man."

And, finally, they refer to the Socialist Republican form of Government for which they are fighting. Now, that puts in a very elementary way the aims for which these atrocious crimes are being committed.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Is it not an old document of 1929?

**The Honourable Mr. H. G. Haig**: This is quite a new document, because, as I say, it refers to the raid on the European Club at Chittagong and the attack on the life of Sir Alfred Watson.

**Mr. B. Das**: Thank you.

**The Honourable Mr. H. G. Haig:** The next leaflet also refers to Chittagong affairs and makes an appeal to rebels and terrorists. Then it goes on to make some very interesting references to the Congress. It has no very high opinion of the Congress:

"The Congress wants capitalism through mutual arrangements, and we want to establish a Soviet through blood and revolution."

Then follows a violent denunciation of the policy of the Congress when Mr. Gandhi was at the Round Table Conference and describes the Congress as being a party of the rich . . . .

**An Honourable Member:** What is the harm in releasing Mr. Gandhi at this juncture?

**The Honourable Mr. H. G. Haig:** Then I come to another Bengali leaflet. Here, again, it is inspired by hostility to the aims of the Congress:

"We cannot deny this fact,"

—it says,—

"that behind all the doings of the Congress there lies the mentality of the tradesman. They want reforms,"

this is a charge against them—

"they want wider chances to satisfy their self-interest."

And then they go on in true terrorist style:

"The traitors of the country may sell the self-respect on any plea to the English. After attainment of freedom, their efforts will be to capture the reins of Government."

This is their attack on anything like constitutional progress:

"If these people,"

—that is to say, the traitors of the country, who are prepared to accept constitutional means,—

"if these people are not subdued with an iron hand, then all the efforts of the nation will turn into nothing."

And, finally, they end by saying that their object is to establish a revolutionary Government by a country-wide armed revolution and end up with blood-thirsty threats, which are not after all idle threats, against all those who oppose them.

There is much more, Sir. I have other leaflets which reiterate exactly the same point of view. The object is not anything like constitutional reform. They are inspired by the keenest opposition to any party that is prepared to accept ordinary constitutional reform or which bases itself on the present social organization.

There is one more leaflet to which I should just like to refer to explain what precisely they have in mind as the future of India:

"In the reign of the socialist form of Government,"

—and this, Sir, is not an ordinary Communist Association,—but it is an Association which describes itself as Bhagat Singh's Association—significant words—

"in the reign of the socialist form of Government, the land of the country will be divided in equal shares to all persons over which the person concerned will exercise full control . . . ."

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): I would welcome it.

**The Honourable Mr. H. G. Haig:** I hope the Honourable Member will welcome the next sentence too:

"Moreover, tenants will have to pay no taxes or any sort of *begar* which is common in these days."

And, now, Sir, for my friends, capitalists:

"Mazdoors will have every right over factories and mills from which at the present moment the capitalists draw much profit. Mazdoors will get full advantage of their income and they will not be treated like beasts as at present. Representatives of Mazdoors will look after the arrangements and management of all departments such as Railway, Canal and sea routes."

Well, Sir, those are, in fact, the aims which are coming more and more to the front in this terrorist movement, and I would ask the House to reflect for a moment not only on the abominable methods of these men, but on the disastrous policy that they are attempting to pursue by those methods; and, possibly, Honourable Members, some of whom show much interest in the welfare of terrorists, may reflect that there is little gratitude in life when they hear what the terrorists think of them. These men, Sir, are the enemies of the country. They are a menace to all ordered constitutional progress in Bengal, and those who, like Honourable Members opposite, believe in constitutional progress and look forward to the orderly development of democratic institutions, should realise that it is as much to their interest as to ours, that it is as vital to the future, which is theirs, as to the present which is ours, that this movement should be extirpated. In order to extirpate it, effort is required from many directions. There is a whole chain of executive and judicial processes, of which the provisions of this Bill represent a small, though essential, link. Effort, I admit, is also required in other directions,—to stop recruitment of terrorists, by improving public opinion and by endeavouring to cure some of the conditions—economic and educational,—which have fostered the growth of the movement. From all directions pressure must be maintained steadily and relentlessly and success will be ensured. I do appeal very earnestly to the House to co-operate with us in this matter and to pass the measure which I have placed before them.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Motion moved:

"That the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, be taken into consideration."

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadian): I want to raise a point of order, and I am very sorry I have to do that. I am not at all speaking at the present moment on the merits of the Bill. The point of order that I wish to raise is as follows. Under clause 5 of this Bill, it is laid down:

"Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided in the local Act as supplemented by this Act, be no appeal from any order or sentence passed by a Special Magistrate under the local Act and save as aforesaid no Court shall have authority to revise such order or sentence, or to transfer any case from any such Magistrate, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Magistrate, or of any direction made under Chapter II of the local Act."

The intention of this clause is to take away the revisional power of the High Courts in matters dealt with under the local Act supplemented by this Act. Honourable Members will find, and you will find that a similar question was the subject of a prolonged debate and decision by this House as far back as 1923. In 1922, when we sat on the Select Committee to revise the Code of Criminal Procedure, we found ourselves confronted with section 435 of the Code which laid down that the High Courts had no power of revision over orders passed under sections 144 and 145 of the Criminal Procedure Code, namely, orders relating to urgency and to immoveable property. But though that was the state of the statutory law as enacted by the Indian Legislature, the Indian High Courts held that they were not fettered by the provisions of section 435 as they had jurisdiction to revise orders passed by any subordinate Courts or Magistrates under the Parliamentary Statute, section 107 of the Government of India Act. Therefore, they exercised their jurisdiction despite the restrictive provisions of section 435 which, before 1923, had taken away the revisional powers of the High Courts. So much for the powers of the chartered High Courts under section 107 of the Government of India Act. There remains the non-chartered High Courts,—Chief Courts and Courts of Judicial Commissioners whose powers are not the subject of protection under section 107 of the Government of India Act. They, therefore, were fettered in the exercise of their revisional jurisdiction by the provisions of section 435, the result being a startling anomaly, namely, that while in provinces subject to the chartered High Courts the High Courts had jurisdiction, in provinces not so subject to the chartered High Courts the High Court had no jurisdiction in a similar case. That was the anomaly that we removed in 1923. I find in this annotated edition credit is given to me for having drawn the attention of the Legislature, but I do not take that credit at all. I wish to repeat what is quoted here as a precis of the arguments which prevailed with the Legislature. It is stated here:

"The grounds for the omission of sub-section (3) have been thus stated by Dr. Gour: 'The intention of this amendment is to preserve to the High Courts revisional jurisdiction in cases disposed of under sections 144, 145, etc. Honourable Members are aware that not only the chartered High Courts, but all the non-chartered High Courts, such as the Chief Courts and the Courts of the Judicial Commissioners do, under various local Acts, possess a statutory power of revision in such cases . . . Now, Sir, I ask the House a simple question. If it is a fact that all the Courts, chartered and non-chartered, possess this power, then I say clause (3) of section 435 is superfluous, nay misleading. If it is a fact that they do not possess that power, in that case I ask the House to endorse my opinion that this power is both salutary and necessary. It will not be denied that this power has in fact been exercised under section 107 of the Government of India Act and other local Acts. If so, this clause conflicts with the express provisions of section 107 of the Government of India Act.'"

And this is the view which the House endorsed.

Now, the short point which I want to make here is that the power of superintendence vested in the chartered High Court is a power over which this House has no jurisdiction. It is a power which this House cannot take away by any legislation. That power has been defined by the High Courts to be the power of revision over all Courts subordinate to the chartered High Courts. The only effect, therefore, of the enactment of clause 5 would be to take away the power of superintendence which has been vested in non-chartered High Courts by the Indian Legislature, and it would reproduce the anomaly which existed in 1922, namely, that

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against the same order the chartered High Court has jurisdiction, has power of revision under section 107 of the Government of India Act, whereas a non-chartered High Court will have no such jurisdiction at all. That is the anomaly that was created by the Act prior to 1923, and that anomaly will be reproduced if this clause 5 is enacted into law. As regards your power, I wish to recall another fact.

In 1923, if I mistake not, I introduced in this House a Bill for the establishment of a Supreme High Court in India, and on the objection raised by the other side that it would be *ultra vires* of the Indian Legislature to enact such a measure, your predecessor, Sir Frederick Whyte, decided that such a power did not exist in the Indian Legislature and he would not permit me to move my Bill. I ask you, Sir, to exercise the same power. If clause 5 is enacted into law, it would create a curious anomaly.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): It applies only to Bengal.

**Sir Hari Singh Gour:** My friend on the left points out that this law is only applicable to Bengal. It is so, but the point that I am making at the present moment is that if we enact clause 5 and take away the revisional jurisdiction of the High Court, as you will see that it does take away the revisional jurisdiction of the High Court, it would conflict with the revisional jurisdiction given to the Bengal High Court under section 107 of the Government of India Act. I may point out that I have not brought this objection upon this House by surprise. I have conveyed my doubts to one of the Honourable Members on the other side and I am told that it is not the intention of Government to take away the power of the High Court given to it by section 107 of the Government of India Act. If that be the case, if it is not the intention of the Government to take away the power of the High Court given to it by the Parliamentary Statute and the High Court has held that that power carries with it the power of revision, then I cannot understand why clause 5 has been enacted at all and what is the direct purpose with which this clause 5 has been enacted. That, I submit, is a point upon which the Honourable the occupants of the Treasury Benches may be pleased to enlighten you, Sir. For the present, I think the enactment of this clause 5, *pari passu* with the existence of section 107, would create a great deal of confusion and I think it is up to this Legislature not to create a confusion of this character and to do what might conceivably be held, as indeed it has been held by the Calcutta High Court under a previous Statute that no act of the Indian Legislature can derogate from the power which Parliament has given to the chartered High Court, the power of superintendence which carries with it the power of revision and more specifically you will find, Sir, that they have the power to direct the transfer of any suit or appeal from any Court to any other Court of equal or superior jurisdiction. They can direct that the appeal shall lie to one Court or the other Court and this power they have been exercising ever since the establishment of the chartered High Courts. Therefore, I submit, that you should rule that clause 5 is *ultra vires* and, in any case, if the Government wish to safeguard the provisions of section 107 of the Government of India Act, they must have a clause inserted to that effect.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair should like, in the first instance, to ask the Honourable Member whether it would not be better if he raised the point of order when clause 5 came before the House. When the Honourable Member got up to raise the point of order at this stage, my impression was that he was contending that the whole Bill was *ultra vires* of the Legislature. If that had been his contention, then the time chosen by him for raising the point of order was appropriate, but he does not do so. His contention is that clause 5 of the Bill is *ultra vires*. Is that so?

**Sir Hari Singh Gour**: Yes, Sir.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Then the proper time to raise the question would be when clause 5 is under consideration.

**Mr. B. R. Puri** (West Punjab: Non-Muhammadan): Clause 4 would also be open to the same objection.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The objection to each clause should be taken when that clause is under the consideration of the House. At present the Chair is quite prepared to consider any point of order contending that the whole Bill is *ultra vires* of this Legislature.

**Mr. B. R. Puri**: Practically it would be. So far as clauses 1, 2 and 3 are concerned, there is practically no difference of opinion. That only leaves clauses 4 and 5 and they are open to identical objection and criticism.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. When the Chair rose to deal with the point of order raised by the Leader of the Nationalist Party, it was restricted to clause 5 only and, that being so, the Chair wishes to point out that any point of order raised in regard to any clause of a Bill as being *ultra vires*, the proper time for doing so is when that clause is under the consideration of the House. If the Honourable Member has anything to urge in this connection, the Chair will be glad to hear him.

**Sir Hari Singh Gour**: The reason why I have raised this point of order at this stage is this. The Honourable the Home Member wants the Bill to be taken into consideration and I want to know from you, Sir, as to how much of the Bill is to be taken into consideration, the whole of it or only two-thirds, because if one-third is ruled out as out of order, we are left with nothing but two-thirds and, on that point, I shall advise my friends as to what they should do. That is the reason why I have raised this question. The fact is that clauses 4 and 5 are an integral part of the whole Bill.

**Mr. H. P. Mody** (Bombay Millowners' Association: Indian Commerce): Might I submit, with great respect, with reference to your ruling that the proper time for raising this point of order would be when clause 5 is under consideration, that there will be very considerable practical inconvenience in the course which you have



[Mr. H. P. Mody.]

laid down? Clause 5 goes to the fundamentals of the whole Bill. A great deal of the discussion, practically, the whole discussion will centre round this clause, and it may turn out to be wholly unnecessary in the end. Therefore, Sir, if for nothing else, for the sake of convenience and the proper conduct of the debate, it is very essential that the Chair should give its ruling now on this clause. Otherwise what will happen will be that Members in criticising the Bill will merely fasten upon this clause, and it may ultimately be that the whole time and energy of the House has been wasted upon a clause which is not in order.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair recognises the force of what the Honourable Member has urged, and if it is the general wish that the point of order raised should be decided at this stage, the Chair will raise no objection,

**The Honourable Sir Brojendra Mitter** (Law Member): I have no objection.

**Mr. President:** A point of order has been raised and if any one Honourable Member wishes to speak on it, I will allow him to do so.

**The Honourable Sir Brojendra Mitter:** This point of order is nothing new. It was considered in the Bombay High Court in a recent case in connection with the Special Powers Ordinance, section 52. That section is in the same terms as clause 5 of the present Bill and runs thus:

“Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided by this Ordinance, be no appeal from any order or sentence of a Court constituted under this Ordinance and, save as aforesaid, no Court shall have authority to revise such order or sentence, or to transfer any case from any such Court, or to make any order under section 491 of the Code or have any jurisdiction of any kind in respect of any proceedings of any such Court.”

It was argued that section 52 of the Ordinance was *ultra vires*, and the Chief Justice of Bombay delivered a considered judgment on this point. What he said was this that that section was not *ultra vires*, but that that section did not affect the power of superintendence which the High Court had under section 107 of the Government of India Act. Sir, the High Courts derive their powers from three sources. The first is the Criminal Procedure Code, the second is the Letters Patent of the High Court, and the third is section 107 of the Government of India Act. There is no question that in so far as the Criminal Procedure Code is concerned, this House has the authority to alter the law. Section 65 of the Government of India Act gives this House the power to alter any law passed by any Indian Legislature. Therefore, in so far as clause 5 of the Bill seeks to alter the Criminal Procedure Code, there is no question of *ultra vires*. The Indian Legislature can also alter the Letters Patent. The Letters Patent themselves give the power. Therefore, so far as the powers given to the High Court by the Letters Patent are concerned, they can be altered by this House.

Now, there are these two sources and there is a third source, namely, section 107 of the Government of India Act. Section 107 of the Government of India Act begins by saying:

"Each of the High Courts has superintendence over all Courts for the time being subject to its appellate jurisdiction, and may do any of the following things . . ."

and what the Chief Justice has held is this, that since:

"we have got superintendence over a subordinate Court, that superintendence is not restricted merely to administrative matters but also extends to judicial matters and, therefore, by virtue of that power the High Court could still revise the decisions of lower Courts."

But the point is this. He decided against the argument that section 52 of the Ordinance was *ultra vires*: he says in effect that it is not *ultra vires* but *intra vires* in so far as the Criminal Procedure Code is concerned and in so far as the Letters Patent are concerned, but that that section does not affect powers given under section 107 of the Government of India Act. In this connection may I draw your attention to section 84 of the Government of India Act,—which says this:

"A law made by any authority in British India shall not be deemed invalid solely on account of any one or more of the following reasons . . ."

The relevant sub-clause is this:

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void."

Therefore, it comes to this that if clause 5 purported to affect the powers of the High Court under section 107 of the Government of India Act, to that extent it would be void, that is, to the extent of the repugnancy but not otherwise. Otherwise it will be good. That is to say, that clause will be good in so far as the powers given by the Criminal Procedure Code are concerned, and also in so far as the powers given by the Letters Patent are concerned.

Apart from revision, clause 5 deals with section 491. Rights under Section 491 are not given by any Parliamentary Statute, but are given by the Criminal Procedure Code. Clause 5 will be good so far as that is concerned. Whatever powers are given by the Criminal Procedure Code or by the Letters Patent can be altered and they will be altered. It is not our contention that we have the power to affect section 107, or that clause 5 purports to affect section 107.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Well, if the powers are the same, then it will be nugatory?

**The Honourable Sir Brojendra Mitter**: I may inform the House that this point also arose in the Calcutta High Court, but it was not necessary to decide the question. Incidentally it was held that the clause in the Ordinance was not *ultra vires* but that the High Court's powers of superintendence were not taken away and could not be taken away by the Indian Legislature. That being so, my contention is this that clause 5 is *intra vires* of the Legislature,—but what its effect will be is a quite different matter. The effect will be that the powers given to High Courts by any

authority other than Parliament will be altered, but the powers of superintendence under section 107 of the Act will remain unaffected. It will apply to what is legally possible and not to what is forbidden.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Certain doubts have occurred to the Chair in view of what has fallen from the Honourable the Law Member, and the Chair wishes to put certain questions to him in order to appreciate the significance of what he has stated with regard to the Legislative powers of this Assembly.

1 P.M.

The Honourable the Law Member said that the sources of High Court's powers were the Criminal Procedure Code, the Letters Patent and section 107 of the Government of India Act and that under section 65, this Legislature can alter the Criminal Procedure Code. He has further stated that under the Letters Patent themselves those powers can be altered. He admits that this Legislature cannot touch the powers conferred by section 107. The main point of his argument appears to be that we may pass clause 5 as it stands and if there is anything in the clause which is repugnant to section 107, it will not take effect, that it will be void, and the High Court will not act on it. It is in regard to that point that the Chair wishes to ask for information. It is perfectly true that the Bombay High Court gave a decision on the Ordinance enacted by His Excellency the Governor General. This Legislature is not responsible for what the Governor General, in exercise of his powers under the Government of India Act, may decide to do. If there happens to be points in the Ordinances which go beyond the provisions of section 107, the High Courts are entitled not to act on them. That is perfectly intelligible; but when Government want the Legislature to enact a law, it is the obvious duty of the Legislature to see that no provision is passed which is *ultra vires* of section 107. (Applause from Non-Official Benches.) The Legislature cannot be expected to enact a law without satisfying itself that it does not encroach upon the limitations which an Act of Parliament has imposed. (Applause from Non-Official Benches.) Subject to any further explanation which the Law Member may give, the Chair, should like to ask whether the best course for Government would not be to frame clause 5 in such a manner as to be within the powers of this Legislature. It cannot be right to leave it to a High Court to declare that any part of legislation enacted by this House is beyond its powers and is therefore void. I do not think that this Legislature should be allowed to be put in that position. (Hear, hear.) When the point has been specifically brought to the notice of this Legislature, it is our duty to be satisfied that the powers conferred upon the High Courts by section 107, which are quite clear and mandatory, should not be entrenched upon. The portion of section 84, which was read out by the Honourable the Law Member, is perfectly clear:

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall to the extent of that repugnancy but not otherwise be void."

This provision covers a case in which a Legislature, without being conscious of doing so, may enact a law which goes beyond their authority. In that case the High Court, in dealing with the matter when brought before it, would have to declare it void; but if the point is present to the mind of the Legislature, it is, I think, the obvious duty of the Legislature to satisfy itself that they are not doing anything which is beyond

their powers. (Applause from Non-Official Benches.) As the question raised vitally affects the powers and privileges of this Assembly, I do not wish to give a ruling at once on the lines I have explained. I have purposely put my points in the way of doubts so that there may be further discussion on this important aspect of the case before a definite ruling is given by the Chair.

**The Honourable Sir Brojendra Mitter:** Sir, I have stated that clause 5 does not purport to affect the powers of the High Court given by section 107 of the Government of India Act. If it be necessary that that should be specifically stated, I am quite prepared to table an amendment by way of explanation that this clause does not purport to affect the powers of the High Court under section 107 of the Government of India Act.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): May I interrupt the Honourable Member just for a minute. The following words in clause 5 require to be specifically explained.

"Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done."

That would include the authority of the Houses of Parliament. It is proposed to take away by these words not only the powers which are covered by the first two points which the Honourable Member made, but they are wide enough to cover all the powers the High Courts get under the Government of India Act from Parliament. I want the Honourable Member to explain that point.

**The Honourable Sir Brojendra Mitter:** As regards the distinction which you have been pleased to draw between the Ordinance and an Act of the Central Legislature, may I draw your attention to section 72 of the Government of India Act which says:

"the power of making Ordinances under this section is subject to the like restrictions as the power of the Indian Legislature to make laws."

Therefore, the restrictions imposed by section 84 of the Government of India Act apply equally well to the Ordinances as to anything done here. But I need not elaborate that point. The other point is this. Undoubtedly, the clause, as it reads, may, in the absence of section 84, draw within its ambit section 107 of the Government of India Act, but that is not the intention of the Mover of the Bill. I am quite prepared to table an amendment by way of explanation in these terms:

"This clause shall not be deemed to affect the powers of the High Court under section 107 of the Government of India Act."

Such an explanation ought to satisfy the House. That will clear up that doubt. It is an easy matter to add an explanation to the clause expressly stating that there is no intention to alter the powers given by section 107 of the Government of India Act.

**Sir Abdur Rahim** (Calcutta and Suburbs: Muhammadan Urban): Sir, I do not think the explanation given by the Honourable the Law Member would clear up the doubts that we are all feeling and which were so

[Sir Abdur Rahim.]

lucidly expressed from the Chair as regards the way this clause 5 has been drafted. If you look at the language, it will be found that it is so wide and sweeping that it brings in any law for the time being in force. The clause reads:

"Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done . . . . . no appeal from an order or sentence passed by a Special Magistrate under the local Act and save as aforesaid no Court shall have authority to revise such order or sentence or to transfer any case from any such Magistrate, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Magistrate, or of any direction made under Chapter II of the local Act."

If you retain language like that, it would surely be absurd drafting to have at the same time the explanation like the one suggested. Besides merely saying it will not alter the powers of the High Court will not do, you will have to go further and say, it will not in any way affect section 107 of the Government of India Act.

**The Honourable Sir Brojendra Mitter:** Is not that a matter of drafting?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I am going to suggest a way out after Sir Abdur Rahim finishes his speech.

**Sir Abdur Rahim:** There is also a point of substance I should like to know from the Honourable Member. If he is going to retain these drastic provisions, what will be left of the powers of superintendence. Can he tell us in definite language as to what will be the powers of superintendence left in the High Court. If he could define that, then, we shall be in a better position to understand that notwithstanding clause 5, if properly drafted, there will still be the powers of superintendence left in the High Court absolutely intact.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): In view of what has fallen from the Honourable the Law Member, the Chair takes it that he agrees that the wording in the Bill, as introduced, has the effect of encroaching upon the powers which are given under section 107 of the Government of India Act. On that admission, the Chair wishes to suggest that it cannot be beyond the drafting capacity of the Legal Department of the Government of India to reframe the clause in such a way as to leave no doubt to any one who reads it that it only covers the alteration in the Criminal Procedure Code and the Letters Patent, but that it does not touch in any manner whatever the powers of the High Court under section 107 of the Government of India Act. As it is Lunch time, the Chair proposes to adjourn the House, leaving it to the Honourable the Law Member to consider in what form he proposes to redraft the clause. As the clause stands at present, it does apply to section 107 of the Government of India Act and so far as it applies to that section, it is out of order. (Hear, hear.)

**Sir Hari Singh Gour:** Before the House adjourns for Lunch, may I make a suggestion? As you are aware, Sir, this House has appointed

a Committee of 15 Members to examine and report on the Ottawa Agreement. That Committee has been sitting from day to day and, as it is a very important Committee, I crave the indulgence of the House and your leave, Sir, that we be given an opportunity to sit on that Committee in the afternoons by adjourning the House for tomorrow and till we have concluded the labours of that Select Committee, I would equally ask your permission and the indulgence of the House that we should devote the afternoons to the transaction of the ordinary business of the House and the forenoons for doing the work on the Select Committee.

**Some Honourable Members:** No, no. The Select Committee should sit in the afternoons and the House on the forenoons.

**Sir Hari Singh Gour:** I know, Sir, there is some difference of opinion as to whether the House should sit in the forenoons or in the afternoons.

**Some Honourable Members:** The House should sit in the forenoons only.

**Sir Hari Singh Gour:** I am putting that point of view also to the Chair. The question, Sir, has not escaped your attention or mine. The only difference between forenoon sitting and the afternoon sitting is that while, in the case of forenoon sittings, we must close by 1-30 or thereabouts for Lunch, there may be a little longer sittings, if we sit in the afternoons and the work of the House might go on even after the period of five o'clock or half-past five, in accordance with the importance of the work and the wishes of the House. That is the reason why an afternoon sitting is preferable to a morning sitting. Otherwise, there is nothing wrong.

**Some Honourable Members:** No, no. We prefer a morning sitting of the Assembly.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Honourable Members should bear in mind that we have met here for the transaction of very important public business. (Hear, hear.) The suggestion made by the Leader of the Nationalist Party does not appeal to the Chair quite as much as some Honourable Members seem to imagine. Adjournment to the Delhi Session was specially made to deal with two very important subjects, the Ottawa Agreement and the Ordinance Bill. I should like Honourable Members to consider that if half-day sittings are agreed to, how long the House will have to sit.

**Some Honourable Members:** Till the middle of December.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Or it may go further beyond that date. It appears, therefore, having regard to the fact, if newspaper reports are to be believed, that a large number of witnesses have been asked to attend and give evidence before the Special Committee on the Ottawa Agreement . . . .

**Sir Abdur Rahim:** No, not a large number; only a small number.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Large and small are relative terms.

**Sir Abdur Rahim**: Only four or five witnesses.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): If 2, 4, 6, 7, 8 or 10—will that satisfy the Honourable Member?—witnesses are called and the lawyer Members of the Committee begin to cross-examine them, the Chair is not sure whether the Committee will be able to bring in their report by the 21st November as required by the Assembly Resolution.

**Some Honourable Members**: We doubt it.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): If that is so, Honourable Members should consider, how long this Session will have to be prolonged. If the House wishes to go on indefinitely, the Chair will have no objection whatever. The reason why the suggestion for an afternoon sitting was made is this: The House meets at 11 o'clock and adjourns ordinarily at 1-15 or 1-30. That means about 2½ hours work, out of which one hour goes to questions,

**Mr. S. C. Mitra**: There are very few questions left to be answered.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): But all the same the question hour is there. The House has dealt with question No. 1180 today and I have already admitted questions numbering nearly 1700. That being so, a good debate is not possible if we have to adjourn the business of the House in a little over an hour. The effect of that will be further prolongation of the debate. The advantage, therefore, of an afternoon Session is that if we met at quarter past two of the clock, we can, in public interest, sit up to half past five or even six in the evening giving considerably more time for the transaction of public business. That was the reason why this suggestion was made. But if the House wishes to meet in the mornings only, then a better alternative would be not to meet on some days of the week, but to sit whole day on other days. I know that there is a strong feeling against afternoon sittings, and the Chair will bear that in mind. I take it that the House desires that I should adjourn the House now till tomorrow.

(*Cries of "Yes, yes."*)

Then I will adjourn till eleven o'clock tomorrow to meet the general feeling in the House. I should like Honourable Members to consider carefully the aspect which the Chair has brought to their notice, in order to determine whether we will meet in the afternoon or whether we will meet the whole day on some days and not sit at all on other days. I hope the Leaders of Parties will let the Chair know tomorrow in time so that further adjournments may be regulated accordingly.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th November, 1932.

## APPENDIX.\*

**Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** (South West Punjab: Muhammadan): Sir, I would like to speak today for only three minutes. A number of forceful speeches have been made in English on the Ottawa Resolution during the last four days; but no speech has been made in the House in Urdu. Considering, therefore, that a speech in Urdu is equally necessary, I rise to make one so that the Resolution does not go without a speech in Urdu.

I sincerely differ from my Indian friends who have spoken for or against the Resolution from the point of view of India's interest. Every Indian desires the good of India. It would have been very pleasant if some of the Honourable Members—or at least my Honourable friend, Haji Abdoola Haroon—had made their speeches in Urdu. I am rather inclined to think that every Member of the Assembly has not fully understood the issue involved in the Resolution excepting, of course, the *bania* class, the Honourable the Finance Member or those associated with finances. We are not concerned with the people of Bombay or other provinces. What we are concerned with is the gain of the agricultural classes, *i.e.*, the zamindars. If, as a result of the adoption of this Resolution, the zamindars stand to gain in respect of the trade in foodstuff, cotton, etc., we would, by all means, support the Resolution. But, before we do so, we would like the Honourable the Finance Member to state in simple words—not in complicated words—to what extent the zamindars of India gain by this Resolution. If it is not possible for him to say anything just at present, he might as well place this information in detail before the Select Committee whose appointment is now under consideration by the House, so that we can decide our vote on the subject. The condition of us, zamindars, is going from bad to worse every day. If, therefore, the zamindars gain by this Resolution, we would strongly support it. The Mover should include the name of the Honourable the Finance Member in the Select Committee, and the motion for appointing a Select Committee should be adopted.

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\* *Vide* page 1960 of L. A. Debates, dated the 10th November, 1932.







# LEGISLATIVE ASSEMBLY.

*Tuesday, 15th November, 1932.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## QUESTIONS AND ANSWERS.

### JAMALPUR TECHNICAL SCHOOL.

1181. **\*Mr. M. Maswood Ahmad:** Is it a fact that the Jamalpur institution (the technical school of the Railways) is not attached to any University?

**Mr. P. R. Rau:** Yes.

### APPRENTICES ADMITTED ANNUALLY IN THE JAMALPUR INSTITUTION.

1182. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that only 50 per cent. of the apprentices admitted annually in the Jamalpur institution are guaranteed jobs and are sent to England for further training?

(b) What is the academic qualification for admission to the Jamalpur institution?

(c) Will Government be pleased to state what are the jobs open for the apprentices who, after spending three or four years, are not selected for further training in England?

(d) Is it a fact that these selections for admission are first made in the provinces and then by the Public Service Commission on an all-India basis?

(e) Do Government propose to admit in future only such a number of apprentices as there are vacancies?

**Mr. P. R. Rau:** (a) The guarantee is up to half the number recruited but, as a matter of fact, a larger number has been sent to England both last year and this year.

(b) The qualifications required include the intermediate examination in Arts, Science, Agriculture or Engineering of University or Board approved by the Governor General in Council, the Cambridge Higher School Certificate Examination, and the Higher Diploma Examination of the Mayo College, Ajmer.

(c) No posts are guaranteed to apprentices not selected for training in England, but they will be considered for vacancies in the subordinate establishments for which they may be qualified.

(d) Yes.

(e) The question is under consideration.

## GOVERNMENT ORDER ON MR. K. M. HASSAN'S REPORT.

1183. \***Mr. M. Maswood Ahmad:** (a) Has the Home Department passed any resolution or order on Mr. K. M. Hassan's report?

(b) If the reply be in the negative, will Government be pleased to inform by what time they propose to pass any such order or resolution on that report?

**Mr. P. R. Rau:** (a) No.

(b) The Report is still under the consideration of the Government of India and, I regret, it is not possible to say at present how soon a decision will be arrived at.

**Mr. D. K. Lahiri Chaudhury:** Will the Honourable Member be pleased to lay on the table the result of the negotiations that have so far been started or of the inquiry that has been made?

**Mr. P. R. Rau:** Which inquiry, may I know? The question is with regard to the orders passed on Mr. Hassan's report.

**Dr. Ziauddin Ahmad:** May I know what is your estimation about the time which the Home Department is likely to take?

**Mr. P. R. Rau:** I am afraid I cannot give an answer to that question.

**Mr. M. Maswood Ahmad:** Cannot the Home Department reply as to what time they propose to take in passing a resolution or issuing an order on Mr. Hassan's report?

**The Honourable Mr. H. G. Haig:** I do not think that the matter is in the charge of the Home Department, but it is a matter to which we, at the present moment, are giving special attention and, subject to the exigencies of business in this House, we shall certainly hope, as far as we are concerned, to reach conclusions as rapidly as possible.

**Mr. M. Maswood Ahmad:** Will the Railway Department be pleased to lay on the table the recommendations which have been made to the Home Department?

**Mr. P. R. Rau:** No, Sir.

APPOINTMENT OF A MUSLIM WATERMAN FOR THE MUSLIM STAFF IN THE  
OFFICE OF THE CHIEF AUDITOR, RAILWAY CLEARING ACCOUNTS,  
DELHI.

**Mr. M. Maswood Ahmad:** About this question 1184, I want to say that there is an omission—that after the word "other" in part (b) the word "than" has been omitted by mistake; I have informed Sir Alan Parsons of this and I hope my Honourable friend will reply to the question in the amended form.

1184. \***Mr. M. Maswood Ahmad:** (a) Are Government aware of the fact that annually during the summer season one Hindu water-man is employed departmentally to supply drinking water to Hindu clerks whereas no such arrangement is made for the Muslim staff in the Chief Auditor, Railway Clearing Accounts Office, Delhi?

(b) Are Government aware that the Shia section of Muslims do not eat or drink any article touched by other Muslims and that their religion does not allow them to eat or drink any thing touched by non-Muslims?

**The Honourable Sir Alan Parsons:** (a) and (b). In the past a Hindu waterman was engaged during the summer months; as the number of Muslim clerks was small, no special arrangement was made for them. Over three months ago, a new arrangement has been introduced and small allowances are now paid to some menials, including a Shia Muslim menial for supplying drinking water to the staff (Hindu and Muslim) throughout the year.

**INTRODUCTION OF ANNUAL CONFIDENTIAL REPORTS ON THE CLERKS OF THE OFFICE OF THE CHIEF AUDITOR, RAILWAY CLEARING ACCOUNTS, DELHI.**

1185. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware of the fact that Mr. S. D. Gupta, Chief Auditor, Railway Clearing Accounts, Delhi, has recently introduced an annual confidential report on the clerks of the Military Department in his own office and the same was circulated amongst the clerks for information?

(b) Will Government be pleased to state whether the introduction of this military procedure in the Chief Auditor's office was made after previously consulting the Director of Railway Audit and final approval by the Auditor-General, Central Revenues?

(c) Will Government be pleased to state, in this connection, whether this military procedure has also been introduced in other Audit offices under the control of the Director of Railway Audit?

(d) If the reply to part (c) be in the negative, will Government be pleased to state why this novel procedure has, at all, been introduced only in the Chief Auditor's office?

(e) Are Government aware of the fact that the remarks offered by the immediate superiors in connection with a number of questions and queries, contained in the confidential report, are not communicated to the clerk concerned and that he is not in a position to submit any explanation or correct any incorrect remark?

(f) Are Government aware that by this means the personal files of all the clerks are at the mercy of the immediate officers?

(g) Will Government be pleased to state the percentage of different communities in that department?

**The Honourable Sir Alan Parsons:** (a) Yes.

(b) No military procedure has been introduced. This is a matter in which some discretion is left to the Chief Auditor.

(c) Does not arise.

(d) The procedure of recording confidential reports on clerks is not novel. The new form has been introduced to make reports more informative.

(e) If there are any adverse remarks on any clerk, such remarks are as a matter of course communicated to the clerk concerned.

(f) Does not arise in view of the reply to part (e).

(g) The percentages of different communities in the clerical establishment of the office of the Chief Auditor, Railway Clearing Accounts, on 1st November, 1932, were:

Hindus .. .. .	84.5 per cent.
Muslims .. .. .	8.6 per cent.
Sikhs .. .. .	5.2 per cent.
Anglo-Indians .. .. .	1.7 per cent.

**Mr. M. Maswood Ahmad:** Will this confidential report be sent to the employee for an explanation?

**The Honourable Sir Alan Parsons:** As I explained in my answer, if there are adverse comments, they will be communicated to the clerk concerned.

**REDUCTION OF THE PERCENTAGE OF MUSLIM EMPLOYEES IN THE OFFICE OF THE CHIEF AUDITOR, RAILWAY CLEARING ACCOUNTS, DELHI.**

1186. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the percentage of Muslim employees in the Chief Auditor, Railway Clearing Accounts Office, Delhi (including clerks, dufftries, and peons), has been reduced?

(b) If the reply to part (a) be in the affirmative, will Government state what percentage it has been reduced by?

(c) If the reply to part (a) be in the negative, will Government state what was the Muslim percentage in that department in February, 1931, and what it was on 31st August, 1932?

**The Honourable Sir Alan Parsons:** (a) The percentage of Muslim staff (Clerks, Dufftries and Peons) in the permanent establishment of the office of the Chief Auditor, Railway Clearing Accounts, was reduced on 31st August, 1931, owing to the death of a Muslim clerk. The vacancy has not been filled on account of retrenchment.

(b) The reduction has been to the extent of 1.25 per cent.

(c) Does not arise.

**Dr. Ziauddin Ahmad:** Is the Honourable gentleman satisfied that the orders of the Railway Board are carried out?

**The Honourable Sir Alan Parsons:** In this particular case I am answering on behalf of the Finance Department who have this establishment under their control. I am satisfied in regard to that that these orders are being carried out.

**Dr. Ziauddin Ahmad:** Was it not the function of the Financial Commissioner, Railways, to reply to this question and not the Finance Department?

**The Honourable Sir Alan Parsons:** No; in this case we are dealing with statutory audit and not with the railway accounts service which is under the Financial Commissioner, Railways.

**DISCHARGE OF SIX PROVINCIAL FOREST SERVICE OFFICERS BY THE PUNJAB GOVERNMENT ON COMPENSATION PENSION.**

1187. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): (a) Are the Government of India aware that the Punjab Government (*vide* their order of the 10th September, 1931) discharged six Provincial Forest Service Officers of more than 25 years' service on compensation pension and also about eight officers with lesser service and that, with the exception of one, all these officers were in the Provincial Service on the 9th March, 1926?

(b) Did the Punjab Government obtain the *previous* sanction of the Governor General in Council for the discharge of these five officers as required by paragraph 40 of Notification No. F.-74—30, dated the 18th June, 1930, issued by the Secretary of State for India?

(c) If the Punjab Government have not obtained the necessary sanction, are Government prepared to call upon the Local Government to explain as to why the protection afforded by the above notification to these old servants of Government was not extended to them? Do Government propose to direct the Punjab Government to recall these officers to duty at once, treating the periods of their absence from active duty as leave on average pay?

(d) How do the Government of India propose to safeguard the interests of such officers? Will Government please state if such a sanction can be granted by the Government of India *after* the actual discharge of the officers with retrospective effect? If so, will Government please state the authority under which they can do so?

**Mr. G. S. Bajpai:** Certain information in regard to the question asked by the Honourable Member has been called for from the Local Government and an answer will be laid on the table of the House in due course.

**REPAIRS TO THE FURNITURE OF THE LEGISLATIVE ASSEMBLY BUILDING AT SIMLA AND THE ASSEMBLY SECTOR AT NEW DELHI.**

1188. \***Sir Muhammad Yakub:** (a) Will Government be pleased to state what is the total annual cost separately of repairing the furniture of the Legislative Assembly Building at Simla and the Assembly Sector at New Delhi?

(b) Who is responsible for the upkeep of the furniture, whether it is the Public Works Department or the Legislative Assembly Department?

(c) Who carried out the repairs to the furniture in the Assembly Sector, Council House, New Delhi, in 1931, and what was the actual cost?

(d) Was the expenditure incurred from the Legislative Assembly Department budget or from the Public Works Department budget?

(e) How, and by whom, are the repairs to be carried out this year and at what cost?

(f) Do Government propose to make it a rule that the repairs to the furniture of the Assembly Buildings at Simla and New Delhi should be carried out by the Legislative Assembly Department and not by the Public Works Department?

**The Honourable Sir Frank Noyce:** (a) The total annual cost of repairing the furniture supplied by the Central Public Works Department is as follows:

Legislative Assembly building at Simla—Varies from Rs. 1,260 to Rs. 1,500.

Legislative Assembly Sector at Delhi—About Rs. 1,650.

- (b) The Central Public Works Department.
- (c) Only essential repairs were carried out by the Legislative Assembly Department at a cost of Rs. 775.
- (d) The expenditure was incurred out of the Legislative Assembly Department's budget.
- (e) The repairs this year have been carried out by the Central Public Works Department. The cost is estimated at Rs. 1,610.
- (f) I am prepared to consider the suggestion in consultation with the Legislative Assembly Department.

#### RECOGNITION OF THE BRITISH MEDICAL REGISTER IN THE DRAFT MEDICAL COUNCIL BILL.

1189. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Lalchand Navalrai): (a) Is it a fact that in the draft Indian Medical Council Bill the British Medical Register has been recognized?

(b) Have Government made any provision in return that the Indian Medical Register will be recognized by the British Medical Council or has any such guarantee been obtained from the British Medical Council?

(c) If not, what are the reasons which have led Government to recognize the British Medical Register in India?

**Mr. G. S. Bajpai:** (a) The Honourable Member's attention is invited to Schedule 2 to the Indian Medical Council Bill.

(b) Provision has been made in the Bill for schemes of reciprocity with authorities outside British India and for the withdrawal of recognition from any of the prescribed medical qualifications, if necessary.

(c) Government, after very carefully considering what qualifications should be recognised at the start, came to the conclusion that the only feasible course was to recognise those qualifications whether Indian, British or foreign, which, in the opinion of a well established organisation, indicated the attainment of an adequate standard.

**Mr. Lalchand Navalrai:** Has any provision been made for including licentiates?

**Mr. G. S. Bajpai:** No.

**Mr. Lalchand Navalrai:** Why not?

**Mr. G. S. Bajpai:** Because if my Honourable friend would turn to the Statement of Objects and Reasons, he would find that the Bill limits itself to the regulation of graduate qualifications.

**Mr. Lalchand Navalrai:** Why has it been done so?

**Mr. G. S. Bajpai:** I think that is perhaps a question which the Government would be in a position to answer when the Bill is read a second time in the House.

**Mr. M. Maswood Ahmad:** Does the word "graduate" appear in the preamble?

**Mr. G. S. Bajpai:** I think so.

**Mr. M. Maswood Ahmad:** No; it does not. The word is "higher", which is a comparative term.

**ALLEGED CIRCULATION OF A SECRET DOCUMENT BY A MUHAMMADAN MEMBER OF GOVERNMENT.**

1190. \*Sirdar Sohan Singh (on behalf of Sardar Sant Singh): Has the attention of Government been drawn to the issue of the *Tribune*, dated the 22nd October, 1932, publishing on page 3 'a secret document', of a distinguished Muhammadan leader who is said to be also a Member of Government? If so, will Government kindly state whether this document was circulated with the permission or knowledge of the Government of India?

**The Honourable Mr. H. G. Haig:** I have seen a newspaper report to the effect mentioned. The answer to the second part of the question is in the negative.

**NUMBER OF ARRESTS AND CONVICTIONS UNDER THE CONSOLIDATED ORDINANCE.**

1191. \*Sirdar Sohan Singh (on behalf of Sardar Sant Singh): Will Government kindly state the number of arrests and the number of convictions under the provisions of the Consolidated Ordinance since its promulgation from the end of June, 1932, to 1st November, 1932?

**The Honourable Mr. H. G. Haig:** I lay on the table a statement giving the information in my possession up to the end of September. I will lay a further statement on the table, in due course, giving figures for October, 1932.

*Statement showing (a) number of persons convicted not necessarily imprisoned under the Consolidated Ordinance of 1932 for offences connected with the Civil Disobedience Movement and (b) number of persons arrested under Section 3 of Special Powers Ordinance.*

Province.	Number of persons convicted not necessarily imprisoned under the Consolidated Ordinance for offences connected with the Civil Disobedience Movement from 1st July to the end of September, 1932.	Number of persons arrested under section 3 of Special Powers Ordinance from 1st July to the end of September, 1932.
Madras	47	..
Bombay	422	267
Bengal	94	93
C. P.	348	..
Punjab	43	4
B. & O.	618	..
C. P.	18	..
Assam	..	..
N. W. F. P.	..	13
Delhi	88	21
Ajmer-Merwara	2	..
Total	1,680	398



## IMPORT OF WHEAT INTO INDIA.

1192. **\*Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): (a) Will Government kindly state the quantity of wheat that had been imported into India during the years 1931 and 1932?

(b) What is the amount of duty collected on the same and at what rate?

(c) Is it a fact that surcharge levied on all duties by the Supplementary Finance Act of 1931 has not been charged on the import of wheat? If so, by what authority was wheat excluded from the surcharge?

**The Honourable Sir Alan Parsons:** (a) 1931, 245,115 tons.  
1932, January to September, Nil.

(b) 1931, Rs. 4.6 lakhs, collected at Rs. 2 per cwt.  
1932, January to September, Nil.

(c) There were no imports after the Finance (Supplementary and Extending) Act, came into force, up to the end of September, 1932. Had there been any imports, the surcharge would not have been applicable. Section 4 of the Act mentioned did not impose any surcharge on articles mentioned in Part I of Schedule II to the Indian Tariff Act.

## RULES GOVERNING THE GRANT OR CANCELLATION OF PASSPORTS.

1193. **\*Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): Will Government kindly state under what statutory authorities the passports for various travellers are issued and refused? If there be no statutory authority, will Government kindly state which authority had framed the rules governing the grant or cancellation of passports? Is it a fact that under the rules no person can be denied a passport on account of his political views and activities?

**Mr. H. A. F. Metcalfe:** There are no statutory rules or orders governing the issue of passports and it is not compulsory for persons proceeding out of India to be in possession of such documents. But as passports are demanded of travellers by the authorities of foreign countries these are issued according to rules framed by the Government of India for the guidance of passport issuing authorities. These rules provide for the refusal of passports on political grounds.

## HORSE BREEDING IN JHELUM CANAL COLONIES.

1194. **\*Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): With reference to the supplementary question asked by Mr. B. R. Puri to question No. 169 of the 12th September, 1932, about the orders, issued by the Zilledar of Mangwana Zail on 7th March, 1930, to the Lambardars of the various villages to produce their mares in horse show fairs and in rest, are Government prepared to make an official enquiry into the matter and state what actions they have taken against the Zilledar?

**Mr. G. R. F. Tottenham:** Enquiries have already been made. I am assured that the letter in question was not intended as an order or understood as such by the majority of its recipients. On the other hand, the wording of the order was certainly open to a different interpretation; and

instructions are therefore being issued to all Zilladars to the effect that notices about fairs and races should be so expressed in future that they cannot be interpreted as orders. I trust that the Honourable Member will agree that this action is sufficient.

**PRICE OF BURMAH OIL COMPANY'S PETROL.**

1195. \***Sirdar Sohan Singh** (on behalf of Sardar Sant Singh): (a) With reference to the answer to question No. 159 on the 8th September, 1932, will Government be pleased to state if it is not a fact that B. O. C. petrol is sold at a cheaper rate at London than at Calcutta? If so, what are the reasons for such different rates between Indian prices and prices in England?

(b) Have Government inquired into the matter that the price of petrol is controlled in India by a combination or ring of importers?

(c) Has the attention of the Government of India been drawn to the lowering of the prices in Bombay and Poona during the last few months on account of the import of petrol from Russia? If so, are Government prepared to provide facilities for the import of Russian petrol in the other towns of British India as well?

**The Honourable Sir Joseph Bhoré:** (a) B. O. C. petrol, i.e., petrol derived from oil-fields in India and Burma under the control of the Burmah Oil Company is not sold in London. No comparison of Indian and London prices is, therefore, possible.

(b) The matter is still under investigation

(c) The Government of India have seen certain press reports regarding the reduction of the price of petrol in Bombay. There is nothing, as far as I know, to prevent the sale of the petrol referred to by the Honourable Member in any town in India and I am not aware that any special facilities can be given by Government to any one in this matter.

**Mr. K. Ahmed:** Is it a fact that the property on which this Petrol Company is carrying on business is lease-hold property under the Government, and, if that is so, have not Government got any control over it while granting fresh leases or are there any special clauses or conditions which can be enforced with a view to compelling the Company to reduce their prices besides the other methods of compelling them to bring down their rate?

**The Honourable Sir Joseph Bhoré:** I am not aware of the terms under which the Burmah Oil Company holds land.

**Dr. Ziauddin Ahmad:** Am I correct in assuming from the answer to part (a) that the export of petroleum from India to United Kingdom is zero or is absolutely nothing?

**The Honourable Sir Joseph Bhoré:** My Honourable friend must give me notice of that question.

**Dr. Ziauddin Ahmad:** I understood that the Honourable Member said that since nothing was exported, therefore the comparison of the prices does not arise.

**The Honourable Sir Joseph Bhow:** I referred to B. O. C. petrol.

**Dr. Ziauddin Ahmad:** Is there anything else like shell, etc., which is also produced in India?

**The Honourable Sir Joseph Bhow:** The question referred definitely to B. O. C. petrol and a comparison of the prices of that petrol in England and in India, and my reply was directed to that one specific question.

**Dr. Ziauddin Ahmad:** The main issue in this particular question is that the petrol produced in India is sold cheaper in the London market than it is sold in Rangoon or Calcutta. That is really the question.

**The Honourable Sir Joseph Bhow:** That is quite a different question. If I remember rightly, I gave a reply to that on the last occasion. I gave my Honourable friend information regarding the various prices.

**Dr. Ziauddin Ahmad:** That was the thing I had in mind.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member must remember that this question has been specifically asked to elicit information about a particular point, and, therefore, supplementary questions on the general aspect of the question cannot arise.

**Mr. B. Das:** Is it not a fact that the difference in the excise and import duty of nine pies on kerosine oil enables the Burmah Oil Company to lower the prices of petrol for the British market?

**The Honourable Sir Joseph Bhow:** I am afraid I do not carry details in regard to kerosine oil in my head.

**Mr. B. Das:** Is it not a fact that kerosine oil has got nine pies difference between the import duty and the excise duty, and, therefore, the Burmah Oil Company gets the advantage?

**The Honourable Sir Joseph Bhow:** I shall be happy to supply the information to my Honourable friend about kerosine oil if he will put a question down on the paper.

**Mr. K. Ahmed:** In view of the fact that there is a general complaint throughout the length and breadth of India that the price of petrol is unusually high,—and the grievance has been ventilated to Government Departments again and again during the last few years,—do Government propose, since the Honourable the Commerce Member said that he has had not got the terms and conditions, etc., to send for them and see their way to expedite the matter of bringing down the price of petrol, because there is a general clamour in the country?

**The Honourable Sir Joseph Bhoré:** I do not know to what conditions my Honourable friend is referring.

**Mr. K. Ahmed:** The conditions referred to by the Honourable the Commerce Member himself when he said that he did not know the terms and conditions in the agreement of lease? Has the Honourable Member caught my point or I shall have to explain it again? (Laughter.)

**The Honourable Sir Joseph Bhoré:** I shall be glad if the Honourable Member will explain the point.

**Mr. K. Ahmed:** The Honourable the Commerce Member said that he was not aware of the conditions set out in the agreement of lease while answering my supplementary question just a minute ago. Will he be good enough to send for copies of those leases or agreements in which the conditions, etc., are set out and see whether there is any way by which his department can compel these people to reduce the price of petrol since there is a general clamour in the country?

**The Honourable Sir Joseph Bhoré:** My Honourable friend must realise that the conditions under which these companies hold leases must vary from place to place and from locality to locality and from province to province, and it would be an impossible task for me, Sir, to conduct an investigation into all these matters.

**Mr. K. Ahmed:** My Honourable friend may take it for granted that it will neither take a long time nor involve a great expense, except probably five pice for Service Stamps, all the information is already collected and he will not have to incur any extra expense or labour, because it is a very easy thing and simple thing also; one line to the Local Government will fetch him the information which he himself is not aware of, and it is absolutely necessary that he must have that information for his own benefit.

(There was no answer for a few seconds.)

**Mr. K. Ahmed:** If there is no answer, Sir, what is the use?

**The Honourable Sir Joseph Bhoré:** I am not quite sure what information he refers to, but if my Honourable friend has this information at his command, I shall be very grateful if he will supply it to me.

**Mr. M. Maswood Ahmad:** Do Government realise that there is a strong feeling that the price of B. O. C. and other petrol is very high and that now-a-days it is almost a daily necessity instead of a luxury?

**The Honourable Sir Joseph Bhoré:** I think my friend is quite right in suggesting that, I think there is a feeling like that.

**Mr. S. C. Mitra:** Arising out of the answer given to my friend, Mr. B. Das, are we to understand that the Honourable the Commerce Member is not aware of the fact that there is a difference of nine pies between the excise duty on kerosine oil and the import duty?

**The Honourable Sir Joseph Bhoré:** I believe there is such a difference, but if my friend wants accurate information, I suggest that he should put a question on the paper, and I shall be able to supply him the information on the point.

### APPRENTICE PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

1196. \*Sirdar Sohan Singh (on behalf of Sardar Sant Singh): (a) Is it a fact that Apprentice Permanent Way Inspectors were accepted on the North Western Railway in the year 1926? Is it also a fact that on appointment as Apprentice Permanent Way Inspector a printed book was supplied to each employee containing the prescribed course of training for Permanent Way Inspector with dates for undergoing the training? Is it also a fact that the persons taken did fulfil all the conditions of the standing rules laid down in that book?

(b) Is it a fact that in that printed book it was laid down that in case the apprentice shows special ability and is recommended as duly qualified, he may, if vacancies exist, be appointed to inspectorship after four years?

(c) If so, is it also a fact that vacancies did occur and that the employees did fulfil all the conditions and were duly qualified and recommended and yet they were not appointed to inspectorship on the due date?

(d) Is it a fact that after the due date the vacancies occurred and yet they were not filled in by the Apprentice Permanent Way Inspectors, but were filled in by the sub-permanent and sub-way inspectors? How many of such Apprentice Permanent Way Inspectors are there who have duly qualified themselves and who still remain to be provided?

(e) Do Government propose to address the Agent, North Western Railway, asking him to try to fulfil the engagements with these apprentices, who still remain unprovided? If not, why not?

(f) Is it a fact that their position in the final examination is not kept in view when the appointments are offered? If not, why not?

**Mr. P. R. Rau:** (a) to (d) and (f). Government have no information.

(e) I am sending a copy of the question to the Agent, North Western Railway, for any action he may think it necessary to take in order to see that any engagements that may have been entered into are kept.

### NUMBER OF SIKHS ARRESTED IN THE CENTRAL PROVINCES AND IN THE UNITED PROVINCES OF AGRA AND OUDH FOR WEARING KIRPANS.

1197. \*Sirdar Sohan Singh (on behalf of Sardar Sant Singh): (a) Will Government kindly state the number of Sikhs arrested in the Central Provinces and in the United Provinces of Agra and Oudh for wearing kirpans in the year 1932? If so, why?

(b) How many of them are undergoing or have undergone imprisonment for wearing kirpan during this period?

(c) What was the length of kirpan possessed by each at the time of arrest?

(d) Is it a fact that sword is exempted from the operations of the Arms Act in both these Provinces? If so, are Government aware that sword and kirpan are the synonymous terms as given in the judgment of the High Court of Judicature at Lahore, dated 18th March, 1924 (5 Lahore, page 308)? If so, what were the grounds for taking action against Sikhs wearing kirpans?

**The Honourable Mr. H. G. Haig:** (a) to (d). I have made enquiries from the Local Governments concerned and will furnish a reply in due course.

**EXEMPTION OF THE WEARING OF *KIRPANS* BY SIKHS FROM THE OPERATIONS OF THE ARMS ACT.**

1198. \*Sirdar Sohan Singh (on behalf of Sardar Sant Singh): Is it a fact that by Notification No. 242, dated 11th May, 1917, the Government of India, in exercise of the powers conferred by section 27 of the Indian Arms Act, exempted from the operations of the Arms Act *kirpans* possessed or carried by Sikhs throughout India? If so, was this Notification modified by the Government of India later on? If so, when? If not, then under what statutory authority the Local Governments of Bombay, Central Provinces and United Provinces have modified the Notification issued by the Government of India?

The Honourable Mr. H. G. Haig: The scope of Notification No. 242, dated the 11th May, 1917, was as stated by the Honourable Member. Under Schedule II of the Indian Arms Rules, 1920, published under notification No. 1 of 1st January, 1920, all arms except firearms were excluded from the operation of all prohibitions and directions contained in the Act, but Local Governments were authorised to retain all or any of such prohibitions and directions in respect of arms in the case of any class of persons or of any specified area. It is by virtue of this authority which was retained in the Arms Rules of 1924 that certain restrictions in the case of *kirpans* have been imposed by some Local Governments.

**RESOLUTIONS OF THE SHIROMANI GURDWARA PARBANDHAK COMMITTEE, AMRITSAR, PROTESTING AGAINST THE RESTRICTIONS PLACED ON THE POSSESSION AND CARRYING OF *KIRPANS* BY SIKHS IN THE PROVINCES OUTSIDE THE PUNJAB.**

1199. \*Sirdar Sohan Singh (on behalf of Sardar Sant Singh): (a) Is it a fact that the Shiromani Gurdwara Parbandhak Committee, Amritsar, sent a resolution protesting against the restrictions placed on the possession and carrying of *kirpans* by Sikhs in the provinces outside the Punjab on the 9th July, 1932, to the Government of India? If so, will Government kindly place that resolution on the table of the House?

(b) Was any reply sent to the Shiromani Gurdwara Parbandhak Committee, Amritsar? If so, when? Will Government kindly lay a copy of the reply on the table?

The Honourable Mr. H. G. Haig: (a) The Honourable Member's information is correct, Government do not consider it necessary to place a copy of the resolution on the table.

(b) As the Committee had forwarded copies of the resolution to all Local Governments and to the press and as the matter was one for the consideration of certain Local Governments only, the Government of India did not find it necessary to take any action.

Mr. Lalchand Navalrai: Is the resolution a confidential paper so that it cannot be placed on the table?

The Honourable Mr. H. G. Haig: I did not quite understand the Honourable Member's question.

**Mr. Lalchand Navalsai:** The Honourable Member said that this resolution will not be placed on the table. I ask, has it the character of being a confidential document?

**The Honourable Mr. H. G. Haig:** No. The reason is precisely the reverse. It is because the resolution has already been published in the press that it seems superfluous to place it on the table of the House.

#### IMPORT OF COPRA FROM CEYLON.

1200. **Mr. K. P. Thampan:** Will Government be pleased to state what is the total quantity of *copra* imported from Ceylon into this country during the latest quarter or period for which statistics are available, and the total quantity for the corresponding period for the previous two years?

**The Honourable Sir Joseph Bhore:** The information asked for is available for the whole year only and the Honourable Member is referred to Volume I of the Annual Statement of the Sea-borne Trade of British India for the fiscal year ending 31st March, 1931, a copy of which is in the Library.

**Mr. K. P. Thampan:** May I know whether the Government are aware that there has been a considerable increase in the import of *copra* from Ceylon to India within the last few months?

**The Honourable Sir Joseph Bhore:** I think my Honourable friend is right in saying that there has been an increase.

#### DUMPING OF CEYLON COPRA INTO INDIA.

1201. **Mr. K. P. Thampan:** Will Government be pleased to state:

(a) whether they are aware that the Trade Commissioner of Ceylon recently toured in this country to open up trade facilities for Ceylon produce and, as a result of his activities, Ceylon *copra* is now largely imported into this country and is being used in place of local products in some of the mills on the West Coast; and

(b) whether Government propose to take any action to stop the dumping of Ceylon *copra* into this country?

**The Honourable Sir Joseph Bhore:** (a) and (b). The Government of India were informed that the Government of Ceylon had considered a proposal for the appointment of a Ceylon trade representative in India with a view to developing the trade in Ceylon produce between India and Ceylon and that in order to gauge the possibilities of the trade, it had been decided to carry out preliminary investigations in India. For this purpose an officer was appointed by the Government of Ceylon for a period of 3 months, as a tentative measure, from the 27th of June, 1932. They are not, however, able to say without making detailed local enquiries what have been the results on trade, and they have no evidence that Ceylon *copra* is being dumped into India.

**Mr. K. P. Thampan:** May I know whether Government are aware that even in inland towns like Delhi, Allahabad, Lucknow, etc., Ceylon *copra* is placed on the market?

**The Honourable Sir Joseph Bhoré:** I have no information in regard to that, but I will make enquiries.

**Mr. K. P. Thampan:** Are Government aware that there has been considerable agitation among the planters and merchants on the West Coast on account of this keen competition?

**The Honourable Sir Joseph Bhoré:** As far as I remember, the Government of India have not received any representations on that point.

**Mr. K. P. Thampan:** Have they not received any representation from the Chambers of Commerce on the West Coast,—at Cochin, Calicut or Mangalore?

**The Honourable Sir Joseph Bhoré:** I should not like to commit myself, but I shall verify the point.

**Mr. K. P. Thampan:** May I know whether Government cannot enhance the duty on *copra* by executive orders without coming to the Legislative Assembly, if they are satisfied that there has been large dumping of Ceylon *copra* to the prejudice of the indigenous product, and will Government be pleased to consider the advisability of doing so?

**The Honourable Sir Joseph Bhoré:** The matter is not so easy, because Government have, if I remember aright, received representations that as far as possible the duty at present imposed on *copra* should be removed so as to give the oil expressing industry of the country a stimulus.

**Mr. K. P. Thampan:** In view of the fact that the mills in Cochin are at present working with Ceylon *copra*, and the local supplies are unlimited, can not the Government do something to protect the interests of the planters and people of the West Coast whose welfare depends on this industry?

**The Honourable Sir Joseph Bhoré:** As I have said to my Honourable friend, I am not aware that any representations have been received from the cocoanut growers on the West Coast, but I am aware of representations which have been received from the oil expressing industry on the West Coast asking that the restrictions on Ceylon *copra* into India should be removed, but I will make an enquiry into the matter.

**MUTUAL AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE PORTUGUESE AND FRENCH GOVERNMENTS IN REGARD TO THE RECIPROCAL TRANSMISSION OF INLAND POSTAL ARTICLES.**

1202. **\*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) whether it is a fact that a quarter anna Portuguese post card or half anna cover posted in Goa or any other Portuguese territory in India is transmitted freely to any part in British India;
- (b) whether Government suggested to the Portuguese authorities in India to increase their rates so as to have a uniform rate in both territories;
- (c) whether the same inequality in rates exists in the French territories also;



- (d) whether there are mutual agreements between the Government of India and the Portuguese and French Governments in regard to the reciprocal transmission of inland postal articles; if so, when were the agreements entered into and what are their main features; and
- (e) whether any statistics are taken of such postal articles transmitted from Portuguese and French territories in British India; if so, what is their number in the last official year?

**Mr. T. Ryan:** (a) The postage on a postcard sent from Portuguese India to British India is 3 *reis* and the minimum postage on a letter is 6 *reis*. I understand that these rates are equivalent to a quarter anna and half an anna, respectively. Postcards and letters posted in Portuguese India for any place in British India are carried by the Indian Posts and Telegraphs Department.

(b) No. The Indian Government have no right, or reason, to make any such suggestion. As the postage is retained by the sending country, it is immaterial to India whether the Portuguese charge is high or low.

(c) No.

(d) There is no formal agreement for the exchange of correspondence between British India and Portuguese India. The arrangements were arrived at by an exchange of letters in 1878 when it was settled that the rate of postage on postcards and letters from British India to Portuguese India should be the same as the British Indian inland rates. In the reverse direction the charges notified were as I have just stated. A Convention was concluded in 1931 between the Government of India and the Government of the French Settlements in India by which it was agreed that postal communication between British India and the French Settlements in India should be carried on through British Indian Post Offices situated in those Settlement, and British Indian inland rates of postage are charged on such correspondence.

(e) The reply to the first part is in the negative. The second part does not arise.

#### ORDERS PLACED WITH PROVINCIAL JAILS BY THE INDIAN STORES DEPARTMENT FOR REQUIREMENTS OF THE CENTRAL GOVERNMENT.

1203. **\*Mr. J. Ramsay Scott:** (a) Will Government please state whether, when Government drew up their resolution of December 23rd, 1922, it was anticipated that jail competition with private enterprise would be only provincial? Did Government anticipate that jails would compete for orders placed by the Central Government?

(b) Will Government please state how many times jails have tendered to the Indian Stores Department in the last 18 months?

(c) Will Government please state how many orders have been placed with Provincial Jails by the Indian Stores Department for requirements of the Central Government in the last 18 months and, for what articles, and, at what rates?

**The Honourable Mr. H. G. Haig:** (a) It was intended that jail industries would, subject to certain conditions, be permitted to supply

consuming Departments of Government, and no distinction was drawn between Provincial and Central Departments.

(b) Forty-six times.

(c) A statement is laid on the table giving the information required.

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STATEMENT.

Eighteen orders were placed for the following articles at the rates shown against each :

Barrack blankets at Rs. 3-9-3, 3-12-0, 3-13-6, and Rs. 4 each.

Dungry cloth at Re. 0-3-3 and 0-3-6 per yard.

Dusters at Rs. 1-14-0, 2-1-0, 2-3-0, 2-7-0, 2-9-0, 3-8-0 and Rs. 4-5-0 per dozen.

Dosuty at Re. 0-4-9 and 0-5-0 per yard.

Towels at Rs. 2-13-0, and 3-3-0 a dozen.

Cash bags of cotton net at Re. 0-12-0 and Rs. 1-4-0 each.

Durrie at Rs. 32.

Cane trays at Rs. 2 each.

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ORDERS PLACED WITH PROVINCIAL JAILS BY THE INDIAN STORES DEPARTMENT FOR REQUIREMENTS OF THE CENTRAL GOVERNMENT.

1204. \***Mr. J. Ramsay Scott:** (a) Has the Indian Stores Department instructions to buy in the cheapest market?

(b) When orders are placed with jails, may it be presumed that it is because their rates are lower than those of the trade?

(c) Are Government aware that in reply to my starred question No. 919 of March 24th, 1932, they stated that as a rule jail prices were slightly higher than market prices? If so, will Government please explain why orders are placed with jails at higher rates?

**The Honourable Mr. H. G. Haig:** (a) and (b). I would refer the Honourable Member to the answer given by my Honourable Colleague the Member for Industries and Labour to Mr. S. C. Mitra's starred question No. 433 on the 19th September last.

(c) The answer quoted by the Honourable Member was of a general character, and did not affirm that in all cases prices of jail manufactures were above the market rate.

PROCEDURE FOR THE FIXING OF JAIL PRODUCE RATES.

1205. \***Mr. J. Ramsay Scott:** (a) In reply to my starred question No. 918 of March 24th, 1932, part 2, Government stated that they understood that the procedure for the fixing of jail produce rates was carried out. Are Government prepared to see that this procedure is carried out?

(b) Will Government please state what steps have been taken to see that this procedure has been carried out?

(c) Are Government prepared to give an undertaking that this procedure is strictly carried out in future?

**The Honourable Mr. H. G. Haig:** (a), (b) and (c). Enquiry was made in 1930 as to the procedure for fixing the prices of jail made articles and

the replies received from the Local Governments indicate that the procedure laid down in the resolution of 1922 is being generally carried out.

**Mr. J. Ramsay Scott:** Is the Honourable Member prepared to make a similar enquiry for 1931?

**The Honourable Mr. H. G. Haig:** I do not think it is necessary to repeat this enquiry every year.

#### JAIL COMPETITION WITH PRIVATE ENTERPRISE.

1206. **\*Mr. J. Ramsay Scott:** (a) Have Government seen the leader in the *Madras Mail* of 17th March, 1932?

(b) Are Government aware that the outturn of the Madras jails in 1931 was valued at 12 lakhs?

(c) Have Government considered whether such competition affects the free labour market and increases unemployment?

(d) What steps do Government propose to take to redress this grievance?

**The Honourable Mr. H. G. Haig:** (a) Yes.

(b) The outturn for 1930 was 12 lakhs. For 1931 it was 10 lakhs and 36 thousands.

(c) and (d). I have no reason to suppose that the Government of Madras are not alive to the considerations stated by the Honourable Member. The policy of the Government of Madras in this matter is stated in paragraph 12 of their review dated the 6th September, 1926 on the Jail Administration Report for the year 1925.

**Mr. B. Das:** Is it not a fact that the object of the jail industry is to train up the convicts in certain industries so that when they come out of jail, they can start those industries themselves?

**The Honourable Mr. H. G. Haig:** That is certainly the case.

**Mr. R. S. Sarma:** Will Government be pleased to state whether the provisions of the Indian Factories Act are applicable to jail industries, or whether these industries are exempt from the operation of the provisions of that Act?

**The Honourable Sir Frank Noyce:** I am afraid I must ask for notice of that question. My impression is that the provisions of the Factories Act do apply to certain jail industries, but I cannot say definitely without making enquiries.

**Mr. F. E. James:** The Honourable Member stated that he was aware that the purpose of employing convicts in these mills was to train them for work after they had left the prison. Is he also aware that Provincial Governments generally keep no statistics as to what happens to convicts after they have left the jail, and, therefore, are not in a position to say whether this policy is successful or not?

**The Honourable Mr. H. G. Haig:** That may be so. I have no information on the point.

**Mr. J. Ramsay Scott:** Is the Honourable Member aware that the United Provinces Government state that less than half or one per cent. of the number take to the industry after leaving jail?

**The Honourable Mr. H. G. Haig:** I am not aware of that, but I am perfectly prepared to take it from my Honourable friend.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if, as a matter of fact, training is given to these prisoners to such an extent that when they come out they work independently in these avocations?

**The Honourable Mr. H. G. Haig:** I cannot say to what extent this policy has any practical result. I have merely said that one of the reasons for employing prisoners in industries of this type was that they might receive some training which would be useful to them after they had been released from jail.

#### JAIL COMPETITION WITH PRIVATE ENTERPRISE.

1207. **\*Mr. J. Ramsay Scott:** (a) Is it a fact that in June 1931, orders for 15,000 blankets were placed with the Bhagalpur Jail by the Indian Stores Department at a price of Rs. 3-8-0 while the market rate, at which the balance of the order was placed, was Rs. 4-8-0 each?

(b) Was the jail quota only limited by the output of the jail?

(c) Are Government aware that in June, 1932, the jail was given an order for 25,000 blankets at Rs. 4-0-0 each?

(d) Is it the policy of the Government to extend jail competition with private enterprise?

**The Honourable Mr. H. G. Haig:** (a) No order for blankets was placed with the Bhagalpur Jail in June, 1931. An order for 15,000 blankets was, however, placed with the jail in August, 1931, at Rs. 3-12-0 per blanket against a demand for 96,300 blankets. The balance of the order was placed with other suppliers at Rs. 4-8-0 and at Rs. 4-10-0 per blanket.

(b) No. The Bhagalpur Jail quoted for 40,000 blankets.

(c) No.

(d) No. The keynote of Government's policy in this matter is that there should be as little interference as possible with private enterprise.

#### JAIL COMPETITION WITH PRIVATE ENTERPRISE.

1208. **\*Mr. J. Ramsay Scott:** (a) Are Government aware of the great amount of unemployment at the present moment?

(b) Are Government aware that a large amount of machinery is standing idle, because the trade for which it was purchased has become a jail monopoly?

(c) Is it the policy of the Government to assist Indian industries? If so, have Government considered whether jail competition does or does not assist the Indian manufacturer?

**The Honourable Mr. H. G. Haig:** (a) Yes.

(b) No.

(c) While Government are anxious to encourage Indian industries, they consider it legitimate that jail manufactures should be used in the limited conditions laid down in the Government resolution of 1922.

#### JAIL COMPETITION WITH PRIVATE ENTERPRISE.

1209. **\*Mr. J. Ramsay Scott:** (a) Is it a fact that the United Provinces Government on June 15th in reply to question No. 66 stated that they had reduced their percentage of profit?

(b) Are Government aware that a resolution on jail competition was ballotted for in the Punjab Council last Session?

(c) Is it a fact that the Associated Chambers of Commerce brought this matter up last year and that the Councils of Madras, Punjab and United Provinces are interested in jail competition? Are Government prepared to reconsider the question?

**The Honourable Mr. H. G. Haig:** (a) I understand that the position is as stated by the Honourable Member.

(b) The Government of India have no information.

(c) The Government of India addressed all Local Governments in 1930 and do not consider that any further reference to them is necessary at present, but I am prepared to forward to Local Governments copies of these questions and answers.

#### RE-INTRODUCTION OF A THROUGH CARRIAGE BETWEEN LUCKNOW AND BOMBAY.

1210. **\*Mr. J. Ramsay Scott:** (a) In reply to my starred question No. 995 of 29th March, 1932 (regarding the re-introduction of a through carriage between Lucknow and Bombay) Government stated that the Agent, Great Indian Peninsula Railway, had been asked to re-examine the matter. Will Government kindly intimate what has been the result of the re-examination?

(b) Will Government please state the number of first and second class tickets from Lucknow to Bombay and from Cawnpore to Bombay purchased on each day of the last fiscal year 1931-32?

(c) Will Government please also give the numbers of first and second class tickets from Bombay to Cawnpore and Lucknow purchased during the same period?

**Mr. P. R. Rau:** (a) The Agent of the Great Indian Peninsula Railway reports that two censuses were taken at Jhansi for a period of 14 days each from the 28th December, 1931, to the 10th January, 1932, and from the 14th to the 27th April, 1932, of the through first and second class passengers who travelled between Bombay and Cawnpore or Lucknow. At these censuses it was found that the daily average total number of passengers between the abovementioned stations in the two mail trains up and down which pass Jhansi daily to which through carriages are not now regularly attached was 2½ first class and 5 second class on both occasions. The Agent does not consider that these figures justify

attaching an additional through coach to the mail as a permanent measure, but arrangements are in force to attach a through coach to mail trains between Cawnpore and Bombay when a sufficient number of passengers between Cawnpore or Lucknow and Bombay offer?

(b) and (c). From the figures given in reply to the first part of the question it appears that the collection of more detailed information is hardly necessary.

**PURCHASE OF TWO OLD SHIPS FOR SINKING TO ACT AS A BREAKWATER.**

1211. \***Mr. J. Ramsay Scott:** (a) Is it a fact that two old ships have been purchased for sinking to act as a breakwater?

(b) Was the first ship purchased in England, and what did it cost?

(c) Was the second purchased in India, and what did it cost?

(d) Who was responsible for these purchases? If both ships had been bought in India, what would the saving have been?

(e) How many such ships were available in India?

**Mr. P. R. Rau:** (a) Yes.

(b) and (c). One ship was purchased in England at a cost of £8,500 and another in India at a cost of £3,000. The difference in cost is due to the expense involved in the navigation of the first from England to Vizagapatam, while the second was lying at Calcutta and the cost of delivery at Vizagapatam was comparatively small.

(d) and (e). The High Commissioner purchased these ships at the request of the Government of India. The desirability of obtaining in India, if possible, hulls for the required purpose was borne in mind by the Government of India, and before the scheme was finally approved enquiries had been made in India by the Engineer-in-Chief of the Harbour Construction without success. Later it came to the notice of the Railway Board that certain ships were available in Calcutta and the High Commissioner was advised accordingly. The High Commissioner reports that boats of the particular type required by the Engineer-in-Chief were very few in number and the two selected were the only vessels that could be obtained except at exorbitant prices.

**FOREIGN MAILS OF LUCKNOW AND CAWNPORE MISSING CONNECTION OWING TO A DERAILMENT.**

1212. \***Mr. J. Ramsay Scott:** (a) Is it a fact that the foreign mails of the 27th August, 1931, from Lucknow and Cawnpore missed connection owing to a derailment?

(b) Did the Postmaster General, Bombay, communicate this information to the Postmaster General, United Provinces? If so, when?

(c) Is it a fact that the Postmaster General, United Provinces, first heard of the missed connection on October 13th?

(d) Did any business firm in Cawnpore make any complaint, and how long was it when they received any reply?

(e) Did the Director General of Posts and Telegraphs call for a report from the Postmaster General, United Provinces?

(f) Was the request for particulars lost or mislaid in the office of the Postmaster General, United Provinces?

(g) Is it a fact that nearly five months elapsed before the Cawnpore firm was notified of the facts of the case?

(h) Have any steps been taken to speed up replies to the public? What is the normal period within which letters of complaint are replied to?

**Mr. T. Ryan:** (a), (e) and (f). Yes.

(b) The reply to the first part is in the negative. The second part does not arise.

(c) The report of the misconnection was first received on the 13th October, 1931, by the Postmaster, Cawnpore.

(d) Yes. The National Bank of India, Cawnpore, complained to the Postmaster, Cawnpore, on the 15th September, 1931, and received a reply at once; it was not, however, until the 13th October that the Postmaster was in a position to explain exactly what had caused the delay; he advised the National Bank on that date.

(g) No; as I have just stated, the firm was informed of the facts of the case on the 13th October.

(h) Does not appear to arise on this case; but I may say that every effort is made to ensure that public complaints are promptly attended to and answered as soon as possible. No uniform period can be specified for replies as some cases, such as the present one, involve investigation and correspondence with many different offices, while others can be dealt with much more summarily.

#### JUMA MOSQUE, DELHI.

1213. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state in connection with the Juma Mosque, Delhi:

(a) whether there was any amount paid to Government in connection with the Juma Mosque, Delhi, by the Managers or by the Muslim public;

(b) whether the ten Managers who signed the agreement on the 24th November, 1862, were representatives of Mussalmans;

(c) how those ten Managers were selected to represent the Muslim community;

(d) whether the present Managers of the Juma Mosque had brought to the notice of the Deputy Commissioner, under clause 3 of the agreement, any such thing which was beyond their control and which might tend to show contempt or disloyalty to Government;

(e) whether anything has been done or any act committed contrary to the wishes of the Government for the last ten years contrary to the terms of the agreement; if so, whether Government will submit a statement; and

(f) whether Government claim the rights mentioned in clauses 3 and 6 of the agreement?

**The Honourable Mr. H. G. Haig:** (a) No.

(b) and (c). It is hardly possible to say exactly what was the status of the signatories to the agreement 70 years ago, but undoubtedly they were considered to be leading and representative Muslims of Delhi.

(d), (e) and (f). I would refer the Honourable Member to the Press Communiqué issued by the Chief Commissioner on the 31st August last.

**Mr. K. Ahmed:** Will Government be pleased to state whether the land situated on the eastern side of the Jumma Mosque and intervening between the mosque and the park adjoining the public thoroughfare in King's high way situated between the Delhi Fort and the mosque was generally occupied by the public in the matter of prayer, particularly on Fridays, which takes place a week before the Id-ul-Fitr, that is to say, fasting prayer and lakhs and lakhs of people used to gather there in congregation larger than what it is now and these people are subjected to great harassment and inconvenience when they say their prayer and is it a fact that this land has been used for prayer from time immemorial, for seventy years, since the transfer of the Government from the East India Company to the British Administration and what do the Government . . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Will the Honourable Member content himself by putting one question at a time?

**The Honourable Mr. H. G. Haig:** I have no information on the point raised by the Honourable Member.

**Mr. K. Ahmed:** Are Government aware that lakhs and lakhs of people come there just a week before this fasting prayer, Id-ul-Fitr, and they do not get sufficient room while saying prayer. Many Members of the Assembly, particularly Muslims, find difficulty and if the answer be in the affirmative, do Government propose to remove this great anomaly and the grievance of the community?

**The Honourable Mr. H. G. Haig:** I should be glad if my Honourable friend would put down a question on the subject.

#### JUMMA MOSQUE, DELHI.

1214. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to lay on the table a copy of all the correspondence which up till now has passed between the Chief Commissioner and the Juma Mosque managing committees in the months of July, August, September, October and November, 1932, in connection with the Juma Mosque, Delhi?

**The Honourable Mr. H. G. Haig:** There has been no correspondence between the Chief Commissioner and the Managing Committee of the Juma Masjid. The Deputy Commissioner, it is understood, addressed the Committee, but I am not prepared to lay the correspondence on the table.

**Mr. M. Maswood Ahmad:** Is this correspondence confidential?

**The Honourable Mr. H. G. Haig:** I think it might be described as confidential.

**Mr. M. Maswood Ahmad:** Is it a fact that the initiative was taken by the Managing Committee?



**The Honourable Mr. H. G. Haig:** No, Sir. The Press Communiqué to which I have just referred stated that the Deputy Commissioner had brought certain matters to the notice of the Committee.

**Mr. M. Maswood Ahmad:** I was neither dealing with the Press Communiqué nor the circular to which my Honourable friend has referred. I wanted to know the facts,—as to whether some initiative was taken by the Managing Committee and on that initiative the Deputy Commissioner issued that warning letter or circular whatever you call it.

**The Honourable Mr. H. G. Haig:** No, Sir. That was not the case. The initiative such as it was appears to have been taken by the district authorities.

**Mr. M. Maswood Ahmad:** Is the Honourable Member sure of it?

**The Honourable Mr. H. G. Haig:** That, Sir, is the information given to me by the Chief Commissioner.

**PRIVILEGE OF FILING APPEALS TO THE RAILWAY BOARD AGAINST THE DECISIONS OF THE AGENT, NORTH WESTERN RAILWAY.**

1215. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state what powers have been given to the Agent, North Western Railway, for which he is the final authority?

(b) What is the remedy left to the persons aggrieved in regard to such final orders of the Agent?

(c) Does not the Railway Board exist for correction and supervision in such matters and what are the functions which the Railway Board in practice exercise in remedying such of these wrongs brought to their notice by the parties concerned by way of revision, appeal or otherwise?

(d) Will Government be pleased to state how many such cases were brought to the notice of the Railway Board during the last two years and were they all disposed of by a stereotyped reply that the Agent was the sole deciding authority? If not, in how many cases did the Railway Board use their inherent powers?

**Mr. P. R. Rau:** (a) I would refer the Honourable Member to Part II of the Book of Financial Powers in Railway matters, copies of which are available in the Library of the House.

(b) and (c). I would invite the attention of the Honourable Member to the Railway Services (Classification, Control and Appeal) Rules, rules regulating discharge and dismissal of State Railway non-gazetted Government servants and instructions regarding the submission of petition to the Governor General in Council, copies of which are in the Library of the House.

(d) I regret it is not possible to give definite information as to the number of cases received by the Railway Board within the last two years without undue expenditure of labour and time; but I understand that in all, except three or four, such cases the memorialists were informed that no appeal lay to the Railway Board. Enquiries were made by the Board in three or four cases as they appeared to present special features.

**MEDICAL OFFICERS OF SUPERIOR AND SUBORDINATE GRADES ON THE NORTH WESTERN RAILWAY.**

1216. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state how many medical officers of superior and subordinate grades are in service on the North Western Railway now?

(b) At what places on the North Western Railway are the superior medical officers stationed and what denominations do they belong to?

(c) How many superior medical officers are working on the Sind and Baluchistan sections of the North Western Railway and what denomination they belong to?

(d) Are any Sindhis amongst the superior medical officers on the Sind and Baluchistan sections?

(e) If so, how many, and where are they posted?

(f) If not, are Government prepared to appoint some Sindhis instead of importing outsiders?

**Mr. P. R. Rau:** (a) There are four Superior State Railway Medical Officers employed on the North Western Railway. The number of medical subordinates shown in the Classified List of subordinate staff corrected up to 30th September, 1931, is 14 Military Assistant Surgeons and eight Railway Assistant Surgeons.

(b) Of the superior officers, one is the Chief Medical and Health Officer stationed at Lahore, and three are Medical Officers stationed at Delhi, Multan and Rawalpindi.

(c) None.

(d) and (e). So far as I can say from the names of the officers concerned there are no Sindhis among the superior Medical Officers.

(f) I am afraid it is not possible to select members of the State Railway Medical Service on the basis of representing all the provinces or parts of provinces through which a railway passes.

**Mr. Lalchand Navalrai:** Is it the policy of the Railway to appoint people of the section in preference to others, if they have got the same qualifications or not?

**Mr. P. R. Rau:** Not in connection with the superior medical staff, because these are recruited on an all-India basis.

**Mr. Lalchand Navalrai:** I did not fully catch the reply to part (b) of the question as to what denominations these officers belong to.

**Mr. P. R. Rau:** I was not quite sure what exactly my Honourable friend meant by "denominations". Does he mean "religious denominations"?

**Mr. Lalchand Navalrai:** The communities to which they belong.

**Mr. P. R. Rau:** Of the four officers, I understand one is a European, one is a Hindu, one is a Muslim and one a Sikh.

## BRITISH AND CANADIAN ALUMINIUM FACTORIES IN INDIA.

1217. \*Mr. Lalchand Navarai: (a) Will Government be pleased to state if there are British and Canadian aluminium factories in India? If so, how many and where?

(b) Are these British and Canadian factory owners also producers of aluminium metal outside India and importers of it in India or are they interested in the producers and importers of the metal in India?

(c) Are Government aware of any competition between such British and Canadian factory owners and the Indian factories?

(d) Is it a fact that the former are able to sell their pots at low rates in relation to the cost of the metal owing to their being manufacturers of the metal and also factory owners in India?

(e) Is it a fact that formerly Indians controlled nearly 85 per cent of the utensils-manufacturing trade of India whereas now they have barely 15 per cent?

(f) If not, what is their present percentage?

(g) Are there any foreign importers other than British and Canadian foreign importers of aluminium metal in India?

(h) Do Government propose to ask the Indian Legislative Assembly to give fiscal preference to the import of British and Canadian aluminium metal?

(i) Has it been represented to Government that such preference will injuriously affect the already suffering Indian factories of aluminium materials?

**The Honourable Sir Joseph Bhoré:** (a) It is understood that there are British factories in India manufacturing aluminium-ware, but the Government of India are not yet in possession of complete information as to the number and locality of such factories.

(b) The Government of India have no information regarding the relationship, if any, existing between these British manufacturing interests, on the one hand, and the producers of aluminium metal outside India and importers of the metal into India, on the other hand.

(c) Presumably there is competition between all aluminium-ware factories manufacturing the same classes of goods.

(d) The Government of India have received representations from the owners of certain aluminium-ware factories in India which contain a statement to that effect.

(e) The representation to which I have referred contains a statement to that effect, but the Government of India are not as yet in a position to say whether it is correct.

(f) The Government of India have no information.

(g) Yes.

(h) The Honourable Member is referred to Schedule F of the Trade Agreement made at Ottawa from which he will observe that preference on aluminium circles, aluminium sheets and other aluminium manufactures (except unwrought ingots, blocks and bars) of United Kingdom origin is included in that Agreement.

(i) Yes, in the representation to which I have already referred.

**Mr. Lalchand Navalrai:** Have the Government of India given any reply to the representations of these manufacturers?

**The Honourable Sir Joseph Bhoré:** No, Sir. Representations were, to the best of my knowledge, only recently received.

**Mr. Lalchand Navalrai:** Are the Government of India inquiring into the matter with a view to giving them a reply?

**The Honourable Sir Joseph Bhoré:** They will most certainly inquire into it.

**Mr. S. G. Jog:** Is it not a fact that now-a-days there is a tendency among these foreign works to establish their industries in India either with a view to avoiding or to evading the increased tariff?

**The Honourable Sir Joseph Bhoré:** Sir, it is difficult for me to say what the tendency is.

**Mr. S. G. Jog:** Have not the Government of India noticed that Japanese industries are trying to establish themselves in India?

**The Honourable Sir Joseph Bhoré:** I am afraid I cannot give my Honourable friend any definite information on that point.

**Mr. S. G. Jog:** In view of the menace threatening India's interests, will Government make inquiries and take timely steps?

**The Honourable Sir Joseph Bhoré:** What steps does my Honourable friend suggest that the Government of India should take?

**Mr. S. G. Jog:** All steps necessary to check the growing evil, if it is an evil, affecting Indian industries.

**Mr. B. Das:** Do the Government of India at present possess any machinery whereby they can discriminate between British and empire capital, on the one hand, and Indian capital invested in Indian industries?

**The Honourable Sir Joseph Bhoré:** Not that I am aware of.

**Mr. B. Das:** Is not that the purport of the representation that the Government of India have received from certain firms in Bombay?

**The Honourable Sir Joseph Bhoré:** I think that is what it would amount to in effect.

**Mr. B. Das:** Is not that a subject-matter which particularly concerns the Round Table Conference?

**The Honourable Sir Joseph Bhoré:** I have no doubt that that is one of the matters which may be discussed at the Round Table Conference.

**Dr. Ziauddin Ahmad:** Will Government be pleased to inquire whether Japanese or other Governments are establishing their factories in India, and, if so, is it not a fact that the whole question of the Ottawa Agreement and of the preferences given there becomes a farce?

**The Honourable Sir Joseph Bhoré:** May I suggest, Sir, that that question does not arise out of this question.

**Mr. S. C. Mitra:** May I ask whether the Ministers in charge of industries in the provinces were consulted in this matter—viz. regard to aluminium?

**The Honourable Sir Joseph Bhoré:** I have promised my Honourable friend that we shall make inquiries in regard to this matter of aluminium.

**BRITISH AND CANADIAN FACTORIES IN INDIA MANUFACTURING UTENSILS.  
MADE OF COPPER, BRASS, GERMAN SILVER, ETC.**

1218. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if there are any British and Canadian factories in India manufacturing utensils made of copper, brass, German silver, etc.? If so, how many, and where?

(b) Do Government propose to ask for Imperial preference to the aforesaid metals or utensils imported into India?

**The Honourable Sir Joseph Bhoré:** (a) Enquiries are being made but full information is not yet available to the Government of India.

(b) No, Sir. But the Honourable Member will observe from Schedule F of the Trade Agreement made at Ottawa that these metals and manufactures of some of them are included in the list of articles on which under that Agreement preference is to be given to the United Kingdom.

**CANTEEN CONTRACTORS' SYNDICATE AT KARACHI.**

1219. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if a Canteen Contractors' Syndicate was started at Karachi as a temporary post-war measure?

(b) Since how long has it been in existence and for what purposes?

(c) Are Government aware that the said Contractors' Syndicate are forbidding all the Contractors from purchasing goods from the Bazar dealers even if they do not carry the goods with the result that the Contractors cannot supply the goods to the soldiers and, at the same time, the Indian merchant also loses the business?

(d) Are Government aware that the Canteen Contractors' Syndicate are threatening and coercing different manufacturers and merchants to give them special terms, otherwise they would strike them off their list and thus make them lose the soldiers' trade?

**Mr. G. R. F. Tottenham:** (a) A syndicate was formed with headquarters at Karachi, but not as a temporary post-war measure.

(b) The Canteen Contractors' Syndicate was formed in January, 1928. Its main objects are to ensure that articles sold in canteens are of good quality, and to provide, in peace, an organization which can be relied upon to maintain an efficient canteen service in war.

(c) One of the rules of the Syndicate, to which all unit contractors belong, and of which they hold all the shares, is that members must purchase certain specified goods from the Syndicate alone.

(d) No, Sir.

**Mr. F. E. James:** May I ask the Honourable Member as to whether Government do not consider that the terms of the agreement entered into by the Syndicate with its members are in restraint of trade?

**Mr. G. R. F. Tottenham:** That, Sir, is a matter of opinion. But these terms are not a matter in which Government are primarily concerned. They are chiefly for the Syndicate themselves.

**Mr. F. E. James:** May I ask one more supplementary question? Is there any connection, direct or indirect, between the Honourable Member's Department and this particular Syndicate, or has there ever been any such connection?

**Mr. G. R. F. Tottenham:** If the Honourable Member will wait for the answer to the next question, I shall explain what connection there is between the Army Department and the Syndicate.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if the agreement with this Syndicate stipulates that this Syndicate has to remain permanently?

**Mr. G. R. F. Tottenham:** I would like notice of that question.

**Mr. Lalchand Navalrai:** The Honourable Member said that it is not temporary and, therefore, the Honourable Member must be in possession of the very terms of it?

**Mr. G. R. F. Tottenham:** The Syndicate is not a temporary arrangement. But whether the existing terms are due to be revised after a particular period, I do not know, and I should like to have a notice of that. The idea is that the organisation itself should be permanent.

#### CANTEEN CONTRACTORS' SYNDICATE AT KARACHI.

1220. **\*Mr. Lalchand Navalrai:** (a) Are Government aware that the Canteen Contractors' Syndicate, Karachi, have written to different makers not to give agencies to Indian merchants but only to European houses?

(b) If not, have Government devised any means to safeguard the interests of Indian merchants? If so, what?

(c) Which is the Government controlling authority over the aforesaid Contractors' Syndicate?

(d) Do Government propose to issue instructions to the controlling authority to take measures to safeguard the interests of the Indian merchants and to remove their aforesaid grievances?

**Mr. G. R. F. Tottenham:** (a) No, Sir.

(b), (c) and (d). Government have nothing to do with the management of the business of the Syndicate and can only interfere in the event of a serious disagreement between the Managing Director and the Board of

Directors on a matter affecting the welfare of the troops or the interests of Government. Apart from the Managing Director, who is nominated and paid by Government the Board consists of a Chairman and 18 Directors, all of whom are Indians. Government have no reason to believe that any measures are necessary to safeguard the interests of any merchants who may be desirous of doing business with the Syndicate.

**Mr. Lalchand Navalrai:** Do not Government consider that it is important to inquire into a complaint like the one shown here in part (a) of the question?

**Mr. G. R. F. Tottenham:** No, Sir.

**Mr. Lalchand Navalrai:** Why not?

**Mr. G. R. F. Tottenham:** Because Government could take no action on the inquiries when they had been made.

**Mr. Lalchand Navalrai:** Even though they write to the different makers not to give agencies to Indian merchants, Government think that it is not their duty to interfere.

**Mr. G. R. F. Tottenham:** I am speaking, Sir, from the point of view of the Army. As long as the Army are not affected and as long as Government are not affected, they are not concerned. The Syndicate is a business concern run by Indians and if they choose to issue such orders, Government cannot interfere in the matter.

**Mr. Lalchand Navalrai:** Do not Government feel that it is necessary and is but fair to the public that such matters should be under the superintendence of a Government officer who has got to deal with them?

**Mr. G. R. F. Tottenham:** No, Sir, not necessarily. I think the existing arrangement is a fair one.

**Mr. F. E. James:** In view of the fact that the Managing Director is nominated and paid by Government, will the Honourable Member make inquiries as to whether the terms of the agreement between the Syndicate and its members are not in effect a restraint on the ordinary trade?

**Mr. G. R. F. Tottenham:** I will certainly make inquiries from the Managing Director if the Honourable Member so wishes. I will send a copy of these questions and answers to him for his opinion.

**Diwan Bahadur T. Rangachariar:** Do I understand the Honourable Member to say, with reference to the answer to clause (a) of the question, that Government do not consider it expedient that they should interfere when Indian merchants are being boycotted?

**Mr. G. R. F. Tottenham:** No, Sir, that is not my point. The question was:

"Are Government aware that the Canteen Contractors' Syndicate, Karachi, have written to different makers not to give agencies to Indian merchants but only to European houses?"

I answered that in the negative, i.e., I was not aware of it. The Honourable Mr. Lalchand Navalrai asked me whether I would make inquiries and I said that I did not think it necessary, because, even if we did make inquiries, under the terms of the agreement, we could take no action on them. The matter is left entirely to the Syndicate and its members.

**Diwan Bahadur T. Rangachariar:** Am I to understand that Government do not consider it necessary to inquire whether it is a statement of facts or not? They do not consider it their duty to do so?

**Mr. G. R. F. Tottenham:** Not from the point of view of the Army, Sir.

**Diwan Bahadur T. Rangachariar:** Army is part of the Government as a whole and I wish to know what the Government policy is in the matter?

**Mr. G. R. F. Tottenham:** The Government policy is to leave the management of this Syndicate to the members of the Syndicate themselves.

**Diwan Bahadur T. Rangachariar:** Does the Honourable Member think that the Indians in this case who gave such an order must have been induced to do so by other authorities?

**Mr. G. R. F. Tottenham:** I see no reason whatever to believe that, considering, as I have said, that the Board of Directors consists of 19 members, of whom 18 are Indians.

**Diwan Bahadur T. Rangachariar:** There are Indians and Indians. Will Government consider it necessary now to make this inquiry to find out whether it is a fact?

**Mr. G. R. F. Tottenham:** I have already told my Honourable friend, Mr. James, that I am prepared to send a copy of these questions and answers to the Managing Director.

**Mr. Lalchand Navalrai:** Will it be with a view to giving information to the Army officers only or with a view to giving an answer to us?

**Mr. G. R. F. Tottenham:** A copy of the questions and answers will be sent to the Managing Director for any action that he may think fit.

**Mr. Lalchand Navalrai:** The point is that, if the Army Department is not going to interfere in this, the Government of India might be asked to do so and it will be the Army Department through which these inquiries will have to be made in order to afford facilities for the particulars to reach the Government of India. Will the Honourable Member do it from that point of view or treat the question in a military style?



**Mr. G. R. F. Tottenham:** I can do no more than send a copy of the questions and answers to the Managing Director and ask for his views on the whole matter. Whether it may be necessary for Government to take any action will depend on his answer.

### RESUMPTION OF BUNGALOWS IN THE CANTONMENTS OF PESHAWAR AND KOHAT.

1221. **\*Mr. B. R. Puri:** (a) Will Government be pleased to state whether any notices have been issued for resumption of bungalows in the Cantonments of Peshawar and Kohat?

(b) If so, will Government be further pleased to lay a statement showing:

(i) the number of bungalows proposed to be so acquired;

(ii) the names of the owners;

(iii) the present rent of those bungalows;

(iv) the value offered to the owners; and

(v) whether the occupant of the bungalow is a military officer, other Government officer, or a private individual, and, if the last mentioned, whether he is the owner himself?

(c) If any such notices have been issued, will Government be pleased to state the reasons which impelled them to take this course?

(d) Are Government aware that the step taken has caused a great consternation amongst the house-owners?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) (i), (ii), (iv) and (v). I lay on the table a statement giving the information desired.

(iii) The information has been called for.

(c) The reasons, as briefly as possible, are that the housing situation for military officers in Peshawar and Kohat has seriously deteriorated of recent years. Military officers are required to live in Cantonments; but at present there is a definite shortage of sites and of houses, while many of the bungalows themselves are in a bad state of repair. Repeated efforts have been made by negotiations with the house-owners during the last five years to induce them to improve the position; but these efforts have proved fruitless and Government have therefore decided, in the interests of the Army, and also I may add of the general taxpayer, to exercise the rights which they possess under the Old Cantonment Regulations by resuming the sites and paying full compensation for the buildings standing upon them.

(d) Most of the house-owners have protested but others have agreed to accept the prices offered to them by the Government.

*Statement showing the information in regard to the bungalows proposed to be acquired.*

Number of bungalows.	Names of owners.	Price offered.	Present occupier.
<i>Kohat Cantonment.</i>		Rs.	
Bungalow No. 6	Kushinand Ram Lal.	15,500	Owner.
Bungalow No. 8	Mithra Das Punjabi (mortgaged).	21,000	Mortgagee.
Bungalow No. 9	R. B. Mukan Singh.	27,200	Owner.
Bungalow No. 21	R. B. Mukan Singh.	14,000	Military officer.
Bungalow No. 18	R. B. Mukan Singh and Lachmi Das Bhagwan Das.	6,000	Do.
Bungalow No. 34	Raizada Dewan Narinder Nath (minor). Diwan Gurditta Mall (Guardian).	12,000	Do.
<i>Peshawar Cantonment.</i>			
19 The Mall	Jaggat Singh.	4,800	Vacant.
8 Jheel Road	Sujan Singh.	4,100	Military officer.
8A Jheel Road.	Sujan Singh.	4,000	Private individual.
1 Warburton Road	Successor to the late Mr. F. Transom.	6,000	Vacant when notice was issued. A private individual occupied subsequently.
3 Do.	Hari Chand Mehr.	3,500	Military officer.
5 Do.	Guran Ditta.	4,400	Do.
6 Do.	Guran Ditta.	4,600	Do.
2 Rooskeppel Lane	Guardian Qazi Mir Ahmad	11,000	Children of late owner.
5 Fort Road	Hari Chand Mehra.	17,000	Owner.
51 The Mall	Khan of Hoti.	8,000	Military officer.
6 Michni Road	Successor to the late Mr. F. Transom.	1,000	Vacant (Bungalow burnt down).
21 The Mall	Ditto.	10,000	Vacant.
9 Willcocks Road	Hari Chand Mehra.	10,150	Military mess.
66 The Mall	Lala Ganga Bishan Talwar	Not known, will be intimated later.	In possession of R. A. F. authorities.

**RECOMMENDATION OF THE WHITLEY COMMISSION IN REGARD TO THE DISCHARGE OF RAILWAY EMPLOYEES CONSIDERED MEDICALLY UNFIT FOR ONE CLASS OR GROUP AT A PERIODICAL EXAMINATION.**

**1222. \*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) whether they are aware of the fact that the Whitley Commission have expressed the view that Railway employees, considered medically unfit for one class or group at a periodical examination, should be found work of some other character suitable for them without being discharged; and
- (b) whether the Railway Board have accepted that principle and have issued instructions to Company Railways to give effect to that principle; if not, why not?

**Mr. P. R. Rau:** (a) The Royal Commission on Labour have recommended that if a worker is considered medically unfit for the post held by him at the time of the periodical medical examination every effort should be made to find him other work of which he may still be capable.

(b) The principle of this recommendation is in conformity with orders already in force. Government propose to instruct State-managed Railways, and invite Company-managed Railways, to continue to follow that principle.

**RULES FOR THE POSTING OF RAILWAY EMPLOYEES TO MALARIAL AND OTHER SICKLY STATIONS.**

**1223. \*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) whether there is any definite set of rules for the posting of railway employees to malarial and other sickly stations; and
- (b) whether Government are prepared to issue instructions to the effect that a man who has done his turn at a malarial station ought not to be posted again to another sickly place?

**Mr. P. R. Rau:** (a) Government have no information.

(b) Government do not consider the issue of general instructions of this kind necessary.

**CASE OF ONE MR. B. N. SARMA, AN EMPLOYEE IN THE CATERING DEPARTMENT OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

**1224. \*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) if it is a fact that one B. N. Sarma, an employee in the catering department of the Madras and Southern Mahratta Railway, who was discharged, put in an appeal and was restored to his appointment and promised the "first vacancy" in the catering department;
- (b) whether it is a fact that although he was promised to be taken back to service in November, 1930, he has not yet been re-appointed;
- (c) whether it is not a fact that all the retrenched hands of the catering department were provided with appointments in other departments;
- (d) why this employee was not put along with the retrenched men and taken in turn; and

- (e) whether it is a fact that recently four new outsiders were recruited to the rank or post of ticket inspectors in Hubli district, while old promises still remained unredeemed?

**Mr. P. R. Rau:** Government have no information. The matter is one with which the Railway Administration is competent to deal. A copy of the question and reply will be sent to the Agent of the Madras and Southern Mahratta Railway.

**ORDERS ISSUED BY THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS FOR THE CONFIRMATION OF PERMANENT OFFICIALS IN POSTS APPOINTED TO OFFICIATE PRIOR TO THE 24TH SEPTEMBER, 1931.**

1225. **\*Mr. S. G. Jog** (on behalf of Sardar G. N. Mujumdar): Will Government be pleased to state:

- (a) whether, as stated on the 29th March, 1932, in reply to starred question No. 968, any orders were issued by the Director General, Posts and Telegraphs, for the confirmation of permanent officials in posts in which they were appointed to officiate prior to the 24th September, 1931;
- (b) if the reply to the above be in the affirmative, whether a copy of the said orders will be laid on the table; and
- (c) if the reply to part (a) be in the negative, whether steps are proposed to be taken to issue the orders immediately?

**Mr. T. Ryan:** As stated in the reply to part (b) of Mr. N. M. Joshi's starred question No. 968, action has been taken in respect of the confirmation of officers in posts not affected by retrenchment, but as it was found that the appointing authority to all such posts was either the Government of India or the Director-General, Posts and Telegraphs, no formal orders on the subject were necessary. As regards posts which the Heads of Circles are competent to fill, it cannot be said that any of these are not liable to be affected by retrenchment until all retrenchment measures have been completed and no orders removing the ban on permanent appointment to such posts have, therefore, been issued by the Director-General to the Heads of Circles. In this connection the attention of the Honourable Member is invited to the reply given on the 19th September, 1932, to part (d) of Mr. N. M. Joshi's starred question No. 398.

**APPEALS AND REPRESENTATIONS PENDING DECISION IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.**

1226. **\*Mr. S. G. Jog** (on behalf of Sardar G. N. Mujumdar): Will Government be pleased to state:

- (a) the number of appeals and representations pending decision in the office of the Director General, Posts and Telegraphs, Delhi, delayed over six months and over one year;
- (b) whether the representation for the fixation of grade position of the Town Inspectors in Bombay is pending decision over a year;
- (c) whether the Town Inspectors in Calcutta were given grade position as if they were promoted on the 1st September, 1927, ignoring their temporary reversion; and

- (d) whether Government are aware that the reversion was unjustified, that it was due to wrong interpretation of the orders of the Postmasters General, and that they are prepared now to issue instructions for restoring the Town Inspectors to their grade position which they would have held, had the reversion not taken place?

**Mr. T. Ryan:** (a) Over 6 months but not over a year old—9.

Over a year old—18.

These include a set of 13 identical appeals on a subject which could not be dealt with until some difficult general issues had been settled, and four others, though of a different nature, could not be settled for similar reasons.

(b) No.

(c) Yes, owing to a misinterpretation of Government instructions, but orders have since been issued for the refixation of their positions according to the dates of their actual promotion after the 1st September, 1927, to posts of Town Inspectors.

(d) A copy of the orders communicating the instructions of the Government of India to the Director-General, Posts and Telegraphs, as regards the reversions referred to is laid on the table. Government are not prepared to go beyond the concessions which these orders allow.

No. 14-P. T. E.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR,

POSTS AND TELEGRAPHS BRANCH.

*Simla, the 2nd October 1928.*

From

T. Ryan, Esqr., C.I.E.,  
Joint Secretary to the Government of India.

To

The Director General of Posts and Telegraphs.

SUBJECT :—*Appointments to the posts of Inspectors of Post Offices.*

Sir,

I am directed to inform you that the Government of India have given their careful consideration to representations, submitted by you for their orders, from the All-India (including Burma) Postal and Railway Mail Service Union, from the Association of

Letter 11-PTE, dated the 5th August, 1927, from the Department of Industries and Labour, to the Director General, Posts and Telegraphs.

Letter 11-PTE, dated the 15th September, 1927, from the Department of Industries and Labour, to the Director General, Posts and Telegraphs.

Memorandum No. E. A. 279/28, dated the 11th February, 1928, from the Director General, Posts and Telegraphs, to heads of Postal Circles.

All-India Postal Town Inspectors and from individual Town Inspectors, in regard to the application of the orders quoted in the margin; and I am to communicate the following observations for your information and for communication to the parties concerned.

2. The Government observe with regret that the orders issued on this subject have been differently interpreted in different postal circles with the result that in some of these the existing incumbents of the posts of Town Inspectors were displaced to an extent considerably in excess of what was contemplated. Although it cannot be admitted that the then incumbents had an absolute claim to be retained in the posts, and while the Government of India do not see their way to a complete reversal of decisions already taken and made effective, they are of opinion that some measure of special consideration is called for in favour of the displaced officials, on the occurrence of vacancies; and that a concession should be made to officials with a reasonable length of approved service in regard to exemption from the selection grade examination before confirmation. The following instructions should accordingly be given effect.

3. Previous incumbents of the posts of Town Inspectors who have not been displaced in consequence of the orders contained in Industries and Labour Department letter No. 11-P. T. E., dated the 15th September 1927 or your letter of the 11th February 1928 and who still continue in those posts, should be regarded as being on probation in the posts until such date as they pass the new selection grade examination and have been ruled by the head of the Circle concerned to be in all respects suitable for confirmation as Town Inspectors. In the case of failure to qualify for confirmation within a period of two years from the date of this letter they should be reverted to the clerical grade. As an exception to the foregoing however those Town Inspectors who have already rendered three years satisfactory service in that capacity may be confirmed in their posts at your discretion without examination; and all Town Inspectors who have already passed the examination for appointment as Sub-Divisional Inspectors and Divisional Head Clerks should also be exempted from passing the new selection grade examination.

4. As regards those incumbents of the posts of Town Inspectors who, under the operation of the orders cited above, have ceased to hold those appointments, special consideration should be paid by you, on recommendations of Heads of Circles, to the cases of these displaced officials whenever a permanent vacancy of a Town Inspectorship of a first class Post Office has to be filled in future in a Circle in which they are employed. On promotion to be Town Inspectors these officials should be considered as on probation subject to the conditions and exceptions prescribed in paragraph 3 of this letter, the period of two years mentioned therein being counted from the date of promotion.

5. The orders contained in paragraph 4 relate only to promotion in permanent vacancies amongst Town Inspectors and are not to be interpreted as imposing any restrictions on the appointment of any of these displaced officials to officiate in temporary vacancies amongst Town Inspectors or in other vacancies, permanent or otherwise, in the selection grade, provided they are suitably qualified.

I have, etc.,

T. RYAN,

*Joint Secy. to the Govt. of India.*

## THE BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) BILL.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the motion:

"That the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, be taken into consideration."

**The Honourable Sir Brojendra Mitter** (Leader of the House): Sir, may I make a submission? In view of the ruling which you were pleased to give yesterday, I have been considering how best to express our undoubted intention that clause 5 does not trench upon the provisions of the Government of India Act and we have been considering whether to change the wording or to add an explanation to give effect to our intention. In these circumstances, I request you, Sir, to let the first item on the order paper stand over and pass on to the second item.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable the Leader of the House makes a suggestion that in view of the ruling given yesterday, Government should be given some time to consider in what form they wish to bring forward clause 5 as amended. I think the request is a reasonable one.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): I understand that the suggestion of the Honourable the Leader of the House is that the further debate on the motion of the Honourable the Home Member do stand adjourned. If that is the intention, the Honourable the Leader of the House should formally move that motion.

**The Honourable Sir Brojendra Mitter**: This is a matter entirely for you, Sir, to decide. There are two items on the order paper and, for the sake of convenience, I am suggesting that the debate which was initiated yesterday to stand over and we pass on to the second item on the order paper. No motion is necessary for this purpose.

**Sir Hari Singh Gour**: The Honourable the Leader of the House has been long enough in this House to understand the procedure of the House. It is not within your jurisdiction, but the question is whether this House will permit the Honourable the Leader of the House or the Honourable the Home Member to adjourn the debate for which a formal motion must be placed before this House. Is he prepared to do that or not?

**Mr. Gaya Prasad Singh**: (Muzaffarpur *cum* Champaran: Non-Muhammadan): The debate should be adjourned with the consent of the House.

**The Honourable Sir Brojendra Mitter**: The debate has not yet commenced. Before the actual commencement of the debate, I am asking you to consider in what order you will take the business of the House which is on the order paper for the day.

**Sir Hari Singh Gour**: Can't my Honourable friend understand what I mean? A motion was made by the Honourable the Home Member that the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, be taken into consideration. After that motion an objection was taken and that objection was upheld by you, Sir. Now, the next course for the Honourable the Leader of the House or for the Honourable the Home Member is to ask leave of this House for the adjournment of that debate. Otherwise the debate will take its course. There must be a formal motion before the House that the further debate on that motion be adjourned.

**The Honourable Mr. H. G. Haig** (Home Member): May I ask whether the Honourable Member, the Leader of the Nationalist Party, suggests that when once a Government motion has been taken up in the House, it has got to proceed *de die in diem* until it is finished?

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): May I bring to your notice one practical difficulty? The next stage in the debate will be my motion that the Bill be circulated

for the purpose of eliciting opinion of the various High Courts, and that has special reference to clause 5. Now, if the whole Bill is changed by any further amendment, how can I move my motion at this stage, not knowing what the amendment will be regarding clause 5 of the Bill?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): All the amendments, of which notice has been previously given, must be regulated in terms of any ruling which the Chair may give. Having regard to the ruling which the Chair gave yesterday, Government desire to have some time to enable them to consider what their attitude will be, having regard to any amendment or alteration that they may decide to make in clause 5 of the Bill. I think the request made by the Honourable the Leader of the House is a very reasonable one and I do not see that the House can object to giving Government time to consider their position.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): That request can only come in the form of a motion for adjournment. There must be a specific motion for adjournment. The Government cannot say at their sweet will and pleasure when to proceed with a motion and when not to proceed with a motion. They must ask the leave of the House to adjourn the debate and the House must give its consent.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): No unanimity is required.

**Sir Hari Singh Gour**: At any rate the Government must move a motion for adjournment.

**Sir Lancelot Graham** (Secretary, Legislative Department): This Bill has not yet been taken into consideration.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The actual position on which I should like to hear some Honourable Members is this: A motion was moved and the Chair put it before the House. After the Chair put the motion before the House, a point of order was raised. Technically the motion is before the House.

**Sir Lancelot Graham**: We may change our programme from day to day.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Government have not yet done so.

**Mr. S. C. Mitra**: That is the mistake the Government committed. This item is the first on the agenda.

**Mr. H. P. Mody** (Bombay Millowners Association: Indian Commerce): Sir, the point may be quite trivial and of a technical character, but the position is that the agenda paper lays down the order in which the business shall be taken up. Now that order is proposed to be changed and one item, which figures first on the agenda, is proposed to be transferred to the end of the agenda or, at any rate, after the second item is



[Mr. H. P. Mody.]

taken up and finished. Surely that cannot be done without a formal motion having been made before the House. It is not suggested that my Honourable friends on the non-official Benches are going to oppose such a motion. If I understand them aright, all that they have in mind is that the procedure requires that a regular motion for adjournment should be before the House. There is no intention of thwarting the Government's intention or to side-track the Bill by the device of refusing leave.

**The Honourable Sir Brojendra Mitter:** If it be necessary formally to move, then, I move, Sir, that you be pleased to take up item 2 on the order paper today, and not go on with item No. 1 today.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): It would be better if you move that the consideration of item No. 1 on the agenda paper be postponed. Then the Government can bring it on whenever they like.

**The Honourable Sir Brojendra Mitter:** I am quite prepared to do that. I formally move that the consideration of item No. 1 on the agenda paper be postponed.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That the consideration of item No. 1 be postponed."

The motion was adopted.

## THE CRIMINAL LAW AMENDMENT BILL.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I rise to move:

"That the Bill to supplement the Criminal Law, as reported by the Select Committee, be taken into consideration."

Sir, the proceedings of the Select Committee have attained a certain artificial notoriety. From the very beginning, the Press took a very special interest in what are ordinarily regarded as confidential proceedings and published from day to day accounts, more or less ill-informed, of how our proceedings were going. Later on, as all Honourable Members are aware, certain Honourable Members of the Select Committee decided that they would take no further part. I do not propose, Sir, to discuss the personal matters which have unfortunately been imported into this question, though, if they are raised subsequently in the debate by Honourable Members, we have our answer and a very convincing answer and we shall not hesitate to give it.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): You will have it.

**The Honourable Mr. H. G. Haig:** Let me remind the House of the proceedings which led up to the appointment of the Select Committee. After a prolonged debate in Simla, the House, by a very large majority,

agreed to refer this Bill to a Select Committee. The objects of the Bill were to deal with the manifestations of the civil disobedience movement and, in particular, to deal with certain forms of intimidation, particularly picketing and boycotting, with certain matters connected with unlawful associations and with control of the press. On the foundation of this Bill which is before the House, which was intended to apply to manifestations of the civil disobedience movement which are apt to occur throughout India, various Local Governments have also introduced supplementary legislation in their local Councils, legislation which appears in general, though of a more drastic character than the proposals before this House, to be receiving the approval of the local Councils.

Now, Sir, I said plainly in my final speech, before the House took its vote on referring this Bill to Select Committee, that:

"I must make it clear that Government would not be prepared to accept, as fulfilling the object of this Bill, any pale shadow of the provisions which we have inserted. We must be satisfied that the efficacy of the essential powers is not impaired. Within that limitation if we can be shown that certain powers have been too widely or mistakenly drafted, we are perfectly prepared to argue that matter out in Select Committee and, I hope, reach a satisfactory agreement."

Sir, I think that we have very fully met that obligation. We have discussed elaborately, patiently, and, I hope, I may even claim, sympathetically, with Honourable Members who in many matters differed from us on points of principle and on points of expediency. We have discussed the difficulties and suggestions very fully in the Select Committee. And there is one point that I should like to make clear and that is that the objections raised and the points discussed did not all originate with those Members who might be regarded as almost definitely pledged to oppose our proposals, but were raised by various Members from all sides of the Committee. As an instance of the temper in which we examined the Bill, I should like to mention that we made some of the most important changes in deference to the arguments of those Members of the Opposition who believe that a cause is best served not by walking out, but by staying and seeing it through. It is suggested that after the four Members had left our Committee, the remainder of the proceedings was perfunctory and unreal. That is essentially not the case. We discussed with great care and elaboration the remaining provisions of the Bill and, as I have said, some of the most important changes which we have introduced into the Bill were made subsequent to the walk-out.

Now, Sir, I should like to mention very briefly, for I do not think this is the occasion for a long speech, some of the main changes that have been introduced into the Bill by the Select Committee. In the first place, possibly the most important of all, we have placed on the Bill a time-limit. As Honourable Members are aware, the Bill was introduced without any time-limit, and the view of Government was that it was reasonable that the new Governments should find themselves in possession of powers which they might require to deal with similar movements, and that, if they did not, in fact, require those powers, there was no difficulty at all in repealing them. We were pressed, however, very strongly from many quarters to impose a time-limit on these provisions which are admittedly exceptional provisions, admittedly drastic provisions; and, in deference to those views, we have agreed to put a time-limit of three years on the

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Bill. We may hope that, by the end of that time, the futility, the waste of effort, the injury to the country, both moral and economic, caused by civil disobedience, will have been fully appreciated, and the negative, destructive and non-co-operating mentality which, under the influence of success or supposed success, has been flourishing so long, will have been finally discredited; and when it has been discredited, then, Sir, let this Bill lapse. In any case within three years we hope that the decision as to the continuance or discontinuance of these provisions will lie in other hands than ours.

Coming to the specific provisions of the Bill, we made extensive changes in the definition of boycotting. In the debates in Simla, considerable objection was taken to the wide wording of the definition of boycott, and when we went into the matter in Committee, we felt that there was much force in those objections. One of the main points of criticism was the use of the words "any person in whom such public servant is interested"; I think Honourable Members will remember the point. Well, Sir, we have removed those offending words, and made more clear and definite precisely what our meaning is. In various other ways too we have defined much more clearly and closely the provisions of this boycotting section.

I come now to the next of the vital provisions of the Bill, namely, molestation or, in popular language, picketing. Here, again, we made certain changes in the drafting. But we were definitely not prepared to go so far as those who wish to give a licence to peaceful picketing. I can understand the position of those who say that picketing is a weapon on which the Congress rely and that picketing is a matter with which we should not interfere; but there is little use in agreeing to the principle of penalising and preventing picketing if, at the same time, we permit the picketers to practise those very methods which are, in fact, the most effective and the most usual. The picketer certainly in places like Bombay does not go out armed with a *lathi*: the picketer relies on very much more subtle methods and the evil that we are striking at is essentially one that is practised by means of peaceful picketing. I wish to make the position of Government in this respect perfectly clear. I quite appreciate the argument that, on the face of it, if a man merely loiters about, it is a drastic provision that he should render himself liable to punishment; but the essence of the offence is the intention; and, if that intention is established—the intention to cause any person to abstain from doing or to do any act which such a person has a right to do or to abstain from doing—our view is that the particular action by which he secures the fulfilment of that purpose is a matter of comparative indifference. The point is that we want to prevent him, by whatever methods, coercing his fellow citizens. The next point on which we had very long discussion was, what I may call the children's section, the power to order a parent or guardian to pay a fine imposed on the child . . . . .

**An Honourable Member:** Most reasonable.

**The Honourable Mr. H. G. Haig:** We were able to convince the members of the Select Committee that these provisions were not in fact so unusual and unprecedented as had been suggested in the course of our

debates in this House and that, in fact, very similar provisions existed in certain provinces already in the form of Children's Acts. But we did make certain substantial modifications in that section in deference to the arguments placed before us. In the first place, we made it clear that a parent or guardian could show in his defence that he had not conducted to the commission of the offence by neglecting the control of the offender . . .

**Mr. B. E. Puri** (West Punjab: Non-Muhammadian): That is, he has to prove the negative.

**The Honourable Mr. H. G. Haig**: That is, in fact, a provision which is already contained in the Children's Acts to which I have just referred. In the second place—and this is a point to which I think Honourable Members in the debates in Simla attached considerable importance—we have eliminated the provisions which authorised a Court to sentence the parent or guardian to imprisonment in default of fine. Therefore, the liability of the parent or guardian is merely to pay a fine and he cannot, in default of payment, be sent to jail. Then, it was again argued, I think the point was made by the Honourable the Leader of the Nationalist Party, that we were laying down a number of offences some of which would require to be dealt with by experienced Courts, because difficult points of interpretation would arise and that we were allowing them to be tried by third class Magistrates, Honorary Magistrates—any Magistrate. We have met that point by providing that all the offences under this Bill should be triable only by first class Magistrates or Presidency Magistrates. We have also agreed to make a number of offences which we had proposed should be non-bailable, to make them bailable. Then we have made very extensive changes in the provisions relating to forfeiture of movable property of unlawful associations and forfeiture of funds. It was argued that it was an arbitrary procedure to forfeit property and funds merely on the order of the executive authority and to allow the aggrieved party no opportunity of proving before a Court that in fact the property or the funds were not liable to forfeiture. We have met that by providing that any aggrieved party should be allowed to make a claim that the property or funds were not liable to forfeiture and that such claim would be adjudicated upon by the District Judge and that his decision should be binding on the executive authority. Those are, I think, the main substantial alterations that we have made in the Bill, though a number of other changes have also been made. I can assure the House that we went into this Bill in a very thorough and careful manner, that both parties in the Committee discussed the provisions with great care and elaboration, and I feel myself that though we have changed a number of the provisions, which Government originally thought it wise to put into the Bill, I feel on the whole that the Bill, as it has emerged, is a more reasonable measure than it was when it went into the Select Committee; and I feel that it is one which we can confidently commend in these very special circumstances, admitting that it is a measure for exceptional conditions arising out of exceptional conditions, that it is a measure with drastic provisions—bearing all that in mind—that it is a measure which we can confidently command to the acceptance of the House. Sir, I move.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Motion moved:

"That the Bill to supplement the criminal law, as reported by the Select Committee, be taken into consideration."

**Shaikh Sadiq Hasan** (East Central Punjab: Muhammadan): Sir, I beg to move:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

Sir, after the overwhelming defeat which we received at Simla on this very issue, I suppose the Government and some of my colleagues would be thinking that it would be a waste of breath to fight on the same point again, but I think the question is of such a momentous character that it is the duty of every patriot to fight every inch of ground and not to yield to the bureaucracy in this matter. ("Hear, hear" from the *Nationalist Benches*.) Indian opinion is naturally very strong against this measure as we see it expressed in the press and if there are no demonstrations at the present moment, it is not on account of lack of will on the part of the people, but on account of the lack of leadership, because most of the leaders are in jail now.

Sir, I would also like to point out one thing more. During the last Session, Government secured a big majority, and they also secured the votes of a number of elected Members. I am sure, Sir, that if the Swaraj Party had not made the foolish mistake of remaining out of the Assembly, the result would have been quite different. (*An Honourable Member from the Nationalist Benches*: "It is quite true.") Sir, I stand for the suppression of violence, and I am sure that nobody in this House likes to see India plunged into anarchy. We have read a good deal about anarchy in China where, in certain provinces, neither human life nor property nor woman's honour is safe. We do not want such conditions to be produced here, and, in opposing this Bill, certainly we must not be regarded that we want to encourage or propagate that sort of anarchy. Our only object is to save the liberty of thousands of people who are bound to rot in jails. I think a drastic measure like this, which we consider to be a very dangerous measure, because it wrecks the lives of thousands of innocent people, should be circulated before it becomes a piece of legislation.

Sir, I have got three reasons for asking the Government to circulate this measure, and I shall be really glad if any one were to convince me otherwise. My first reason why this Bill should be circulated is this, that even in ordinary matters public opinion is consulted, and this matter is not an ordinary matter. It is a very very important matter, and so why should not public opinion be consulted on such a momentous question as this? The Government are not infallible. They have themselves made several alterations in this Bill, and in certain clauses quite extensive alterations too. If such is the case, is it not possible that more alterations might be made if the public opinion, the Local Governments and the High Courts are also consulted? The Opposition believes that some great changes are required before this Bill becomes acceptable to the country. At the present moment I consider that it is of such a type that it simply strangles the liberties of the people.

Now, Sir, as regards consultations, there are generally three bodies which are consulted, namely, the Local Governments, the public bodies and the High Courts. As regards the Local Governments, perhaps the Government may say that they already know the point of view of the Local Governments, and that they also hold a similar opinion as held by the Government of India. As regards public bodies, perhaps Government might also say that they know that their opinion is against this Bill, that they will oppose it, but certainly the Government of India do not know what amendments the public bodies will suggest. If the public bodies are against this Bill, at least it will show that public opinion is definitely against this Bill, and, if some of the public bodies are in favour of this Bill, then, certainly, it would strengthen the case of Government. Therefore, Government need not be in the least apprehensive to elicit public opinion.

Then, there remains that august body, the High Court, which is to administer the law. After all, it would not harm the Government if they were to consult the High Court also in this matter.

Then, the second point which, I consider, is not of less importance, is that people should be fully informed as to what this measure is. If this Bill is circulated, it will be discussed threadbare in the papers, both English and vernacular; it will be sent to the Municipalities where also it will be discussed before the public, and thus the public will be fully informed of this Bill. There is an axiom of law that every one is expected to know the law, and, in this case, that axiom also applies, and if this Bill ever becomes law, without the people knowing it thoroughly, I am afraid that many people will be punished without knowing what the Bill is. Certainly, it should not be the object of Government to terrorise the people or to punish the people who are ignorant of the law. It may be urged on behalf of the Government that by the time the Bill is circulated, the time of the Ordinance would lapse and then there would be lawlessness and perhaps anarchy in the country. Although the movement is on the decline, I do not believe even for a minute that in a month's time after the expiry of Ordinances, anarchy would set in the country, but assuming such a thing happens, which is not at all likely, Government have got the power of issuing these Ordinances again, or they can extend the life of these Ordinances for another couple of months.

Then, there is a third point. Is it fair on the part of this Government to force this measure on the new Assembly? The Honourable the Home Member said that he was going to make a present of it. I am afraid it is not a noble present, but quite an ignoble present. We have been told that the new Assembly will be elected under a new constitution and it will be more responsible in that it will have more powers. Well, if they are going to have larger powers, if the new Assembly is going to be more representative in character and the Government nominated element is going to be very small . . . . .

**An Honourable Member:** They will be eliminated altogether.

**Shahk Shadiq Hasan:** . . . . . then I am sure the new Assembly would like to cancel this piece of legislation, but it would not be such an easy thing for that Legislative Assembly to cancel it, because they will have to come into conflict with the Council of Elders who are bound to be as conservative

[Shaikh Sadiq Hasan.]

as they are in all the countries of the world. I do not think that it is really fair that this Government should present the new Assembly with a measure which they would like to cancel, and they would not be able to do so, because of the conservatism of the Council of State. Then there is His Excellency the Governor General who would always have the right of vetoing, and, I submit, he may exercise it on that occasion.

Finally, I would like to make an appeal, not to the Government, because they have definitely made up their mind, but to the elected Members who represent the people, not to harden their hearts against their own countrymen and try to strangle the liberties of the people of their own country. (Cheers.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment proposed:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

**Mr. B. Das** (Orissa Division: Non-Muhammadan): I rise to support the motion moved by my Honourable friend, Shaikh Sadiq Hasan, and I congratulate him on the admirable restraint with which he spoke. That should have convinced my Honourable friend, the Home Member, how sincere is the feeling on this side. If one compares the Select Committee report that has been circulated to us with the original Bill, as introduced by my Honourable friend, one does not see any similarity between the two, and the very fact that four of my colleagues had to run away, because they were so ill-treated and not able to do their duty by this country, shows that the report of the Select Committee contains something so drastic that it must be circulated to the country and we must have opinions thereon from the people of this country before we can legislate a measure of this character. I do not wish to comment on the press controversy that has arisen over the walk-out of my Honourable friends. I myself think that they were justified in walking out, but on one point I do not agree with them, where they say that the Chairman could have been more impartial. Sir, in a Select Committee where the Law Member, who is a representative of the Cabinet, presides, is anybody so gullible as to expect that the Law Member would not say, "My vote is with the Government", and I should have liked that portion not written at all!

I am grateful to the Honourable the Home Member to hear again today his considered views on the civil disobedience movement. My Honourable friend said that it is the negative, non-co-operating destructive mentality that is causing all the trouble. Most of us have been trying to advise the Government that there is a way to end the civil disobedience movement. The other day we asked, in a short notice question, why Maulana Shaukat Ali was not allowed to see Mahatma Gandhi. Had he been allowed, probably the civil disobedience movement would have existed on paper, and it would not have existed today in practice. Sir, I gave notice of a short notice question to my Honourable friend, the Home Member, but he could not see his way to accept it, and it will be replied to in due course. What was the effect of Lord Sankey's statement that was published in the *News-Letter* in London? Everybody expects that if the Government of India bring themselves into a co-operating mentality, if

they could find ways and means of making Mahatma Gandhi to co-operate in the bigger political issues—not in smaller issues such as identifying the interests of caste Hindus with depressed classes, wherein I must thank the Government for the little help they gave to Mahatma Gandhi to bring the Hindu community to an understanding—if they bring themselves into that frame of mind and allow Mahatma Gandhi to help us—I may add that at the Allahabad Conference, if press reports are true, they have already come to certain definite agreements between the two great communities that live in India, the Hindus and Muslims. But where is that prince of unity, Mahatma Gandhi? Why is he not out today from the Yaravda prison, so that he can advise, counsel, and bring about the best relations between the two great communities that live in India? I avail of this opportunity, Sir, to quote what Lord Sankey said. He wants Mahatma Gandhi to co-operate, and his principle of co-operation is this:

“Co-operation cannot mean that a man gets immediately all he wants, but it means that he gets infinitely more than he could from a fight to the finish.”

Sir, that spirit of co-operation has made me to remain a Member of this House when I did not join Mahatma Gandhi at the end of 1930 in the civil disobedience movement. I am here to co-operate with my Honourable friends on the Treasury Benches to get whatever little I can get by friendship and co-operation with them. Why does not my Honourable friend, the Home Member, who, I think, respects Lord Sankey, accept that principle of co-operation, and allow Mahatma Gandhi to co-operate with the British Government? And when Mahatma Gandhi co-operates, civil disobedience would vanish and there will be a spirit of reconciliation and co-operation all over. In view of the fact that Lord Sankey is a member of the British Cabinet and also a member of the Third Round Table Conference, I shall quote one or two more sentences from his letter:

“Gandhi has power to change the situation and can do much to restore peace . . . I believe that if Gandhi made a great gesture and dropped the weapon of civil disobedience and, with his followers, offered to co-operate with the British Government, the whole situation would be transformed.”

I do think that Mahatma Gandhi will make this gesture. When noble-hearted leaders like Maulana Shaukat Ali asked for permission to go and confer with Mahatma Gandhi, my Honourable friend would not permit them. I make an offer. Will the Honourable the Home Member depute two or three of us to go to the Yaravda prison to negotiate with Mahatma Gandhi to end the civil disobedience movement? But if my Honourable friend means that Mahatmajji should come on bended knees and say: “I made a mistake. Civil disobedience is wrong”, then Mahatma Gandhi will never do that. No honourable man will ever do that. Let this Government and the British Government accept his intentions, and let them know that an honourable promise given by that great man, the greatest man of the world, will be fulfilled by him if he is allowed to come out of the Yaravda prison to negotiate with the Government.

Sir, this Bill aims at legislating for four things. One is the suppression of terrorist crime. I have often expressed my views about terrorist crimes and I entirely agree with what my friend, Mr. Sadiq Hasan, said about the suppression of terrorist crimes. My friend would have been well advised to divide his Bill into four parts and bring only a Bill for the



[Mr. B. Das.]

suppression of terrorist crimes, as he has done in the case of the Bengal Terrorist Bill which had to be postponed this morning, because Government did not see the implications of their bad drafting. By all means being out a Bill for the suppression of terrorist outrages and I will be the first from this side to support that measure; but if Government, in the name of terrorist crimes, try to condemn civil disobedience movement and suppress peaceful picketing as part of terrorist crimes, and suppress the Indian Press, no honest man, no Indian can support any measure of that kind.

**Mr. R. S. Sarma** (Nominated Non-Official): Why do you support circulation? Oppose it.

**Mr. B. Das:** My friend, Mr. Sarma, seems to think that in supporting circulation I accept the principle of the Bill. Certainly not. By circulation the eyes of the Government will be opened and they will realise the intensity of feeling in the country and the mistake they have made in bringing out this measure.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): In the meantime Mr. Das will come back from London. (Laughter.)

**Mr. B. Das:** I would advise my friend, the Home Member, to note the significance of statements issued from time to time by great Congress leaders, by Mr. C. Rajagopalachariar, the Acting President of the Congress. I belong to the right wing of the Congress and I would like to repeat here what Mr. Rajagopalachariar wrote on this particular legislation. I think it may gladden the heart of my friends. Mr. Rajagopalachariar says:

"It would be rash to prophesy how long the struggle would last, for the Congress is an extensive organisation commanding sympathy even outside its own ranks" said the Viceroy, but he did not care to consider the secret of Congress strength or of the sympathy it commands or why it is so obstinate in its policy of resistance in spite of such great suffering. If he did, he would have stumbled on the essential justice of the Congress cause and perhaps also on the futility of coercion on Government's part. Failure of its policy of coercion, though tried through two successive periods, being admitted, the height of statesmanship to which the Government could rise is a third renewal. (*If the House sanctions it, it will be for three years and not six months.*) The shame of this is sought to be covered by a generous offer to the coming Swaraj Government to make it a permanent feature of the law."

I cannot understand this solicitude of the bureaucratic Government for the coming democratic Government. Whatever the future Government may be, whether it is a Nationalist Government or a Swaraj Government or a Congress Government, I can assure my Honourable friend that it will not be a terrorist Government. Why does my Honourable friend doubt our acumen, that we would not legislate such a measure when the occasion arose for it? Why does he kill at one stroke the spirit of nationalism in the country, the spirit of patriotism in the country in the name of suppressing terrorist crimes and that great Congress movement which my friend, Mr. Ranga Iyer, referred to the other day as occurring in Lord Irwin's speech in this House. I do not want to read the full text of the press interview given by Mr. Rajagopalachariar, but he indicated:

"That Congress is willing to give co-operation if the right feeling is seen on the part of the British Government and the Government of India."

The Government of India and the British Government must come forward to show that they mean co-operation. Sir, Mahatma Gandhi has settled the great thorny problem between the high class Hindus and the Depressed Classes and, if he comes out, he may settle not only the problems between all the communities in India, but he may extend the hand of friendship to the British Government and he may devise a constitution whereby there will be friendship assured to England for all time, so that India may remain in the British Empire, a member of the British Commonwealth of Nations. It is no use laughing at Mahatma Gandhi. I wish to refer to the opinion of an American Missionary published in an American paper. He says:

"Mahatma Gandhi is by all odds the outstanding political genius of our day. Even as there arose in Nazareth, in the first century, a spiritual star of the first magnitude, so in that same East, in our own day, there has come forth a saint and a seer to guide the world, if we will but listen, to teach co-operative living. His way of love and courtesy in all actions, his constant practising of what he preaches and his transparent sincerity have no parallel in other lives of the great all over the world."

Sir, Mahatma Gandhi's life is an emblem of co-operative living. I do hope that Government will invite Mahatma Gandhi to co-operate and not devote their hands to devise means to suppress the civil disobedience movement.

My friend, the Home Member, talks of the new word that he has coined for peaceful picketing, "molestation". My Honourable friend, Sir C. P. Ramaswami Aiyar, on the last day he was in the House made a speech and he was unusually hard on the Congress. He said that the Congress incited women and ordered them to go and lay themselves before motor-cars and so they did picketing in that way and so on, and he began to blame the Congress. Sir, I am sorry he is not here, but in public interest I must avail myself of the present opportunity to reply to my Honourable friend, Sir C. P. Ramaswami Aiyar. Sir, the youth movement today is in evidence all over the globe. If young men or young women above fifteen or eighteen years of age or even of 30 or 40 years join the picketing movement or the civil disobedience movement, they are as good patriots as the Honourable Sir C. P. Ramaswami Aiyar. Sir, Sir C. P. Ramaswami Aiyar's statement that women are dictated by the Congress to throw themselves before motor-cars is not at all based on facts: and if Sir C. P. Ramaswami Aiyar was reflecting the viewpoint of the Government here, then I must say that the Government have misunderstood the patriotism and patriotic sacrifices of our young men and young women that are engaged today in peaceful picketing, in order not only to expand the Swadeshi movement in the country, but to make India self-supporting, and even if they do a certain amount of picketing for their political principles, none of it is done by order of a Congress leader, but it is done spontaneously by the force of sheer patriotism.

Sir, I would ask my Honourable friend to copy a chapter from the American legislative practice. My friend just now said that the parents of the offending boys or girls are only liable to pay a fine and they will not go to jail. But why fine the parents at all? Why not have a civilised piece of legislation and have juvenile Courts in India? Let juvenile Courts try these offenders—and surely they will not judge these offenders

[Mr. B. Das.]

in the same way, in the same hard-hearted manner of our old Judges, because, Sir, as we grow older, we are lost to all sense of humanity, all sense of softness that mellows our outlook. (Hear, hear.) Sir, we are all old, except our Honourable President, and I think we all lose our youthful spirits, our sense of humanity, and our sense of justice becomes dull and hardened: and, Sir, I do suggest that if Great Britain wishes to be a civilised Government and desires to legislate in order to punish parents for the youthful exuberance of little boys and girls, let her copy the practice in vogue in America and have juvenile Courts and let these youthful picketers abide by the decisions of such Courts.

Sir, the most drastic action, if this piece of legislation be passed, will be taken against the Indian Press because the liberty of the Indian Press will be suppressed. We passed the Press Act in 1931 and we thought that Government would not seek the further help of this House. Now, again, it seeks to strengthen its hands by legislation of a rigorous nature. Now, this piece of legislation wants to control the liberty of the Press. Sir, we know how mild and how weak are the comments of the Indian Press under the Ordinances. They are not free to express their honest views, and those, who try to judge the articles of the Press, misinterpret the articles. They see wild terror in everything. Every line that is meant for honest patriotism is interpreted as inciting to terrorist crime. Sir, that is not so, and what do we find? Recently my friend, Mr. Sadanand, the Editor of the *Free Press Journal*, was asked to pay a deposit of Rs. 20,000—Rs. 10,000 as printer and Rs. 10,000 as Editor of the paper. Sir, I would like my Honourable friend, the Home Member, when he replies, to tell me whether anywhere in the world any Government asks the Editor or keeper of a press to pay such heavy fines. Sir, it is, of course, quite natural that a foreign bureaucratic Government will try to suppress the liberty of the Press, and I do not blame my Honourable friend, the Home Member. Sir, if tomorrow I become the Governor of England, probably I shall suppress the articles in the *London Times* and I shall probably close the *London Times* and sell away its printing press as the Government are doing here. (An Honourable Member: "And also the *Statesman* in India.") Sir, my Honourable friend, Mr. Mitra, reminds me to tell the House how Mr. Sadanand was punished. Sir, he was punished, because he reproduced an article on Untouchability. Sir, even articles on Untouchability are supposed to excite terrorist crimes in India!

**The Honourable Mr. H. G. Haig:** Sir, I am sorry to interrupt the Honourable Member. But I must point out that the action taken by the Bombay Government has nothing to do with the question of Untouchability.

**Mr. B. Das:** Sir, I am glad to know the facts, but that is the common impression and I wish the Publicity Department of the Bombay Government had circulated a Press Communiqué explaining why Mr. Sadanand was punished. Sir, I would again advise the Government to split up the Bill into four parts. Sir, I very much feel on any attempted encroachment on the liberty of the Press, and I was grateful to my Honourable

friend, Mr. Ranga Iyer, the other day for alluding to the little hit at my back that I got as Editor of a nationalist weekly, called *The Young Utkal*, from the Bihar and Orissa Government for writing an article which my friend, Mr. Jagan Nath Aggarwal, quoted *in extenso* last January Session, and where I said that the Government made the wrong move and I advised His Excellency the Governor General to adopt the policy of silken tie of friendship with Mahatma Gandhi so that Mahatma Gandhi could co-operate to bring about peace in India, but I got a warning from the Government of Bihar and Orissa for that piece of advice that my article comes under the suspicion of infringing a certain section of the Ordinance. Sir, those of us who are looking forward to attaining, three or six months hence, full Dominion Status and full liberty for India shall oppose tooth and nail any encroachment on the liberties of the Press.

Sir, lastly, I would advise the Government—and I am a peaceful man—to bring about peace, honourable peace between India and England, even at this eleventh hour. Sir, I am sorry for my Honourable friend, the Home Member. My friend has become the Home Member for the second time, but the number of repressive measures that he has brought forward on the floor of the House must be taxing his ingenuity to the full, and I often wonder at the cherubic smile on his face! Sir, this is not the proper way to bring about honourable peace. Other methods must be explored to bring it and, fortunately, there are other methods. This is what we want. Sir, I must end my speech by referring just to one sentence from a great British statesman's speech. This is what he said :

“Peace implies reconciliation; and where there has been a material dispute, reconciliation does, in a manner, always imply concession on the one part or on the other. The superior power may offer peace with honour and with safety. Such an offer from such a power will be attributed to magnanimity.”

This quotation is from Burke. Will the Honourable the Home Member and the Treasury Benches press the British Government to show MAGNANIMITY and, if they do so, there will be peace in India and there will be no occasion for the Honourable the Home Member to bring to the House legislative measures like the present one or any similar measures.

The Assembly then adjourned for Lunch till Twenty-Five Minutes Past Two of the Clock.

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The Assembly re-assembled after Lunch at Twenty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

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#### RESOLUTION *RE* TRADE AGREEMENT SIGNED AT OTTAWA.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, with your permission, may I be permitted to ask the

[Sir Hari Singh Gour.]

House to accept two slight verbal amendments to my motion moved the other day for the appointment of a Committee of this House to scrutinise and report on the Ottawa Agreement. I find that the motion\* is put down in the following words:

"That for the original Resolution, the following be substituted . . .".

But, what I intended to convey and which I did convey in my speech to the House was, that my amendment was an amendment to Dr. Ziauddin's amendment, and that being my view, these lines might be omitted.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair has noticed that the amendment as proposed, and which appears to have been drafted in a hurry, was contradictory and the attention of some Honourable Members was drawn to it. The explanation which the Honourable the Mover of the amendment has given just now does not fit in, because, Dr. Ziauddin's amendment also had these words and, besides, you could not amend an amendment without moving a fresh amendment to the original Resolution. The plain fact of the matter is that through oversight, the amendment, which the Honourable the Leader of the Nationalist Party moved, was framed in such a way that the first part was inconsistent with the latter part and the Chair understands that he now desires the permission of the House to put it right. I take it that the House is agreeable to allowing that amendment to be put in the form which the Honourable Member has just pointed out. I take it that there is no one who wishes to dissent.

(No Honourable Member dissented.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Permission is granted.

## THE CRIMINAL LAW AMENDMENT BILL.

**Mr. Goswami M. R. Puri** (Central Provinces: Landholders): Sir, I beg to move:

"That the Bill, as reported by the Select Committee, be recommitted to the same Select Committee with instructions to report on or before the 24th November, 1932."

Sir, the amendment which I have just now moved is not intended to delay the passing of this Bill. At the outset, I wish to make my position clear when I say that I have given notice of the motion not with the idea of putting forward a dilatory proposal for gaining time or shelving the question, but with the idea of giving the representatives of this House, consisting of both the Treasury Benches as well as of the Opposition, to put their heads together once more to find out a *via media* and a common meeting ground. Sir, everybody is aware of the circumstances under which the report of the Select Committee has

\**Ide* p. 1968 of L. A. Debates, dated 10th November, 1932.

been presented to this House. It is probably the first report of a Select Committee on a Bill where practically every Member has put in a Minute of Dissent, including the Government Members. In this report, the question of a majority or a minority report does not arise. The report, as presented before the House, is practically a report of the two Honourable and learned Members who have put their signatures to it without presenting any Minute of Dissent and these two are my Honourable friends, Sir Muhammad Yakub and Mr. Muhammad Yamin Khan. Now, Sir, the circumstances, under which certain Members of the Opposition walked out as a protest against the procedure adopted by the Chairman in putting the question to the vote of the Committee, are widely known. I take the words of the Chairman as quoted in page 3 of the Minute of Dissent signed by Messrs. Jadhav, Jog, Muhammad Azhar Ali, Gaya Prasad Singh and Mitra and the words are as follows:

“Of course, my vote is with the Government.”

Sir, to my mind, if the Chairman did utter these words, it clearly shows that he was always predisposed and biased to put his casting vote on the side of the Government and, in the absence of any contradiction from the Chairman to the contrary, I take it that the statement as quoted above is correct.

**The Honourable Sir Brojendra Mitter:** I may tell the House that that statement is absolutely untrue.

**Mr. S. C. Mitra:** We protest. The statement of the Leader of the House is not correct.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan): What the Honourable Leader of the House says is wrong.

**Mr. B. R. Puri:** The Honourable the Leader of the House makes a belated statement.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I do not know whether this controversy need be pursued.

**Mr. S. C. Mitra:** Is it fair for the Honourable the Leader of the House to express his views in this way?

**Mr. B. R. Puri:** And at the eleventh hour.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question of what happened in the Select Committee is outside the scope of this discussion. Reference may, however, be made to certain special points, as the Honourable the Mover has himself referred to certain aspects of the proceedings of the Select Committee. That will be allowed, but in all

[Mr. President.]

such cases where a charge of this kind is made against an Honourable Member and he contradicts it, the House usually accepts the contradiction. (Applause.)

**Mr. Goswami M. R. Puri:** I think the House will agree with me that the best course will be to refer the Bill again to the same Select Committee giving the Members and the Chairman another chance to adjust their views and feelings in the light of the Minutes of Dissent and the press statements appearing in the names of the different members of the said Select Committee. I think, now, that the Government know the feelings of the members of the Opposition, and they will make an earnest effort to find out ways and means by which the same circumstances may not recur in the Select Committee if my motion is adopted. In view of the facts appearing in the press from time to time in regard to the proceedings of the Select Committee, this House has been put in a very awkward position, either to vote for or against the whole Bill. I feel that when all the clauses of the Bill have been retained only on the casting vote of the Chairman, it is practically a one-man made law which has emerged from the Select Committee, and as such the report of the Select Committee cannot be accepted as a valid report at all but may be taken as an Ordinance, not by His Excellency the Governor General but only by a Member of the Executive Council of His Excellency the Governor General.

In conclusion, I say, that this House would have taken up the consideration of the clauses if the Bill had not been referred to any Select Committee at all, but, now, after the regrettable incidents which have occurred in the Select Committee, I would appeal to my colleagues and friends to accept my motion that the Bill be recommitted to the same Select Committee.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, having given notice of a similar amendment I wish to support this motion, and, in doing so, I shall be as brief as possible. Constituted as the Select Committee was, we find, most of the questions were decided by the casting vote of the Chairman. Sir, I have nothing to say against the Chairman, the esteemed Leader of the House; anybody else in his position would have done the same thing. The casting vote is vested in the Chairman to be exercised in such emergencies, and it is only natural he should have done so. But it is a sad thing that it was with the help of his casting vote many important questions were decided. There are other matters with which I am not satisfied, for instance, the amendment on peaceful picketing. Mr. Anklesaria's amendment was over-ruled. Then, Sir, four of the Members of the Committee walked out; of course it is up to them to justify their attitude before this Assembly. I am sure they will make a full statement now. But on account of their walk out, the voting strength of one party was substantially reduced from seven to three, with the result that practically the decisions of the Select Committee have been,—I will not say one-man's decisions, as my friend, Mr. Puri, said,—More or less one-sided. That was certainly very undesirable. Sir, to say the least, I feel, as many others on this side feel, that the Select Committee has not been able to bestow that careful and adequate consideration which the Assembly expected them to do. I

have, therefore, great pleasure in supporting this motion for recommitment of the Bill to the Select Committee.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadian Rural): Sir, I rise to support the motion for circulation moved by my Honourable friend, Mr. Sadiq Hasan. Sir, I am induced to speak a few words on this Bill, because it is a Bill which makes even a dead man open his lips; and, at the same time, I am induced not to open my lips on this Bill, because I know that wasted are words that are sure not to be listened to. Sir, it is a common practice that whenever a Bill is placed before this House, it is usually sent out for circulation. That is true even in the case of innocent and petty Bills and I do not see why there should have been any departure in the present case from that practice. This is a Bill which seeks to enact extraordinary laws and it ought to have been sent out for circulation. Sir, I think we will not be late in sending it out even at this stage, because we have been told by the Honourable the Home Member that some essential changes have been introduced and improvements have been made. So it would have been sheer waste of time and energy if the House had sent for circulation the original rubbish. Sir, if I may be permitted to speak out, I should say that Ordinance or no Ordinance, Government cannot go on in this way. Sir, a Government which is itself guilty of lawlessness as is being perpetrated in Bengal and in many other provinces, a Government which is guilty of terrorism as has been committed in Chittagong and some portions of the Midnapore district, a Government which does not even preserve the honour of women is sure to be paralysed. Sir, I will state only one instance mentioned by an American lady:

"Miss Erea Penner, first American woman missionary in India, in the course of a visit to some villages in the Lucknow district, issued the following statement to the press after visiting Narouna, a village in Lucknow Tahsil:

"An outrage against womanhood, showing an utter disregard for age and lack of respect for motherhood, was perpetrated last Tuesday at Narouna, when Moola, the mother of Daya Ram, was assaulted by the police. It seems that the police were searching for Daya Ram, who is sympathetic with the present civil disobedience movement. Not finding him in his home, they disregarded his mother's claim that he was not there, forcibly entered the home and broke open the wall to the grain store-room.

Not finding the son, they most indecently beat the mother with the butt-ends of their rifles. Such an outrage against an aged mother, whose one fault was mother-love, is a sad commentary upon those forces which are supposed to stand for the insurance of protection of person and property. Surely such an outrage against defenceless womanhood can indicate nothing less than authority run amok and power without sane control."—*Hindustan Times*, Feb. 1, 1932.

**The Honourable Mr. H. G. Haig:** Sir, will the Honourable Member kindly tell us whether any complaint was made to the Local Government about that?

**Pandit Satyendra Nath Sen:** I am not aware of that.

**The Honourable Mr. H. G. Haig:** This is the first time I have heard of the incident at all.

**Pandit Satyendra Nath Sen:** But it has not yet been contradicted by anybody.



[Pandit Satyendra Nath Sen.]

Sir, the clauses of the Bill, as they stand, do not sound very harsh, but this is the way in which they are to be worked by the police under the guidance of the Superintendent who is the *de facto* District Officer. And let me assure you, Sir, that atrocities, ten times more serious, are being perpetrated every day in some parts of Bengal. We have heard and heard from the Britishers of the tyranny of Muhammadan rulers; but could any tyranny surpass the tyranny that is being perpetrated at the present day by our Government in the name of law and order? The only difference is this; the past autocrat used to say "Look here; I say this. My word is law". The present autocrats say "Look here; we say this; let some elected Members bark; we are sure of our majority in the House". This is the only difference between the two autocracies . . .

**Sir Abdulla-al-Māmūn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): Would you like to have a return to Muslim rule?

**Mr. S. C. Mitra**: Yes; we prefer Muslim rule; at least they are Indians.

**Pandit Satyendra Nath Sen**: Government admit that the civil disobedience movement is on the wane. If that is so, I should advise them to try a transition period, not to press the Bill for some time to come. Let them see how they go on without this Bill; and, as the Honourable the Home Member told us this morning, the reformed legislature is within sight. If that is so, why should they defile the Statute-book with this black Bill for this short period? I, therefore, implore the Government to take to conciliatory methods. This revengeful spirit cannot succeed. I would conclude my speech with the following lines said by Lord Macaulay:

"A people whose education and habits are such that, in every quarter of the world, they rise above the mass of those with whom they mix, as surely as oil rises to the top of water, a people of such temper and self-government that the wildest popular excesses recorded in their history partake of the gravity of judicial proceedings, and of the solemnity of religious rites, a people whose national pride and mutual attachment have passed into a proverb, a people whose high and fierce spirit, so forcibly described in the haughty motto which encircles their thistle, preserved their independence, during a struggle of centuries, from the encroachments of wealthier and more powerful neighbours, such a people cannot be long oppressed. Any Government, however constituted, must respect their wishes and tremble at their discontents."

These are words pregnant with palpable foresight and tangible truth and I would ask the Government to ponder over this side of the question and then to make up their minds.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I rise to support these two amendments in the alternative. I am for circulation; but, if it fails, I would support the second amendment that the Bill should be recommitted to Select Committee. This is no doubt a dilatory motion—rather both are dilatory motions; but it is not always wise to throw away dilatory motions in order to hurry up a Bill. It is necessary in a Bill like this, which is of paramount importance and affects the country so much that to delay its passing, with moderation, or in a particular manner as is satisfactory to the country,—nothing will be lost, but everything gained.

So far as the second amendment is concerned, there is a glaring ground of which no one can get out and it is that this Bill has not been considered

by all the members of the Select Committee. I do not want to enter into the controversy which might create bitterness in this House with regard to this question that four members of the Select Committee and, prominent members I should say, came out of the Select Committee and did not take part in it. It is claimed by the Honourable the Home Member that even after they walked out they considered the Bill all right. Is that a ground for saying that the Bill was really given full consideration when the views of these four members were no longer before the Committee? Therefore, I will not take more time with regard to the second amendment. It is only just and right that this Bill should be considered by all the members of the Select Committee. No Bill has ever been passed in which members of the Committee found it forced on them not to take part. Here we know that there was a difference of opinion on a very vital point, namely, whether peaceful picketing should be allowed or not. Peaceful persuasion was the term used then, but I use the words "peaceful picketing".

Now, Sir, as far as the first amendment is concerned, it asks for circulation. I think it will be only discreet and fair on the part of the Government to consider at what stage we are now and what is the situation and what is the atmosphere in the country. I may sum it up in one word. The time has come for conciliation rather than bringing about the end of this civil disobedience movement or, whatever of it remains now, by coercive methods. At a time when we have seen that a knotty question, a question which, at times, was considered almost impossible of solution, namely, the question of the Depressed Classes and the caste Hindus, has been patched up, and at a time when Government—I must give them credit for this—have been allowing interviews to Mahatma Gandhi in respect of that question in order to see that the question of temple entry is also amicably solved—the attitude that the Government have taken, as disclosed in certain answers to questions put in this House this Session, shows that the Government are taking a wrong attitude. The Home Member began answering—if he will excuse me the expression—in an autocratic manner by saying that because there is the civil disobedience movement, no opportunities will be allowed to Mahatma Gandhi to bring about reconciliation between Hindus and Muslims. Therefore, I submit that now is the time to take the opportunity by the forelock and Government should come forward to make easy for the civil disobedience movement being removed not by coercive measures but by conciliation and compromise. The country is ready for it and, therefore, I would submit that this is an occasion on which this Bill should not be hurried, because it is a coercive measure. On the contrary, this Bill and Bills like this will be putting up the back of those who have entered upon the civil disobedience movement and will also take away the sympathy of those people who have not launched on it and who are out to see that this movement is brought to a close. We know and it cannot be denied that the civil disobedience movement is affecting also those people and causing injury to those people who are not involved in it. Therefore, it is now incumbent on the part of the Government to cry halt and facilitate such measures as would bring about a reconciliation.

The second ground on which I would urge for the circulation of this Bill is this. It is being claimed that it will do no good to receive opinions on this Bill. That view, I submit, is perfectly wrong. In the first

[Mr. Lalchand Navalrai.]

place, the opinions that might have been asked from the Law Officers or High Court Judges and other officials are *ex parte*, at any rate we do not know what those opinions are; but they must have given their opinion at a time when the Ordinances were working ruthlessly against the people or perhaps in the very inception of the Bill that has now been brought forward here. But, since then, circumstances have changed. The assurance of Government that this Bill would be modified in Select Committee was very satisfactory, and since then certain amendments have been made, but the question is, are those amendments quite satisfactory to this side of the House? The reply to that lies in the number of amendments that are now before the House. Therefore, it is in the interest of Government themselves that they should seek further opinion from their Law Officers and Judges as to what they think in view of these further amendments.

Passing then to the question of securing public opinion, it might be said that the public opinion is already against such Bills as this, that they regard such Bills as suicidal and so on and so forth, but it will not be so, because this Bill is not in the exact form in which the Ordinances were. The Ordinances were very harsh and they were being worked very harshly, and, therefore, the public opinion was rightly against those Ordinances. Now, this Bill has been amended to a certain extent. Why should the Government think that the people are so unreasonable as to say that these amendments are not required and the Bill should not be passed wholesale at all. Because public opinion was once against these measures, it should not be anticipated that the public will not be in a mood to consider it. If the Bill is properly modified, as suggested by this side of the House, it will mean a great support to Government. The whole country is not non-co-operating. There are still co-operators who disliked the Ordinances, and if those people now advise them, it would be prudent for Government to accept their advice.

I do not want to enter into the merits of the various amendments that have been made, but I shall do so at the proper time, I shall confine myself for the present to these two amendments and say that these amendments are such that Government should accept them.

Before I sit down,—I do not think the Honourable the Home Member requires any advice from anybody, he is able in himself,—he is wise too,—and I hope he will remember what his predecessor in office said with regard to the principle and usefulness of circulation of Bills. Sir James Crerar said in 1927; I am reading from L. A. Debates of 1927. Vol. V, page 4417:

"I think that before the House proceeds to consider this Bill in greater detail, it ought to pass the motion which I move for further eliciting opinion."

It was not the first motion; but it was made for a second time circulation.

**An Honourable Member:** What Bill is that?

**Mr. Lalchand Navalrai:** The Sarda Bill. (Laughter.)

There should be no laughter, because that was also an important Bill. Besides, the then Home Member has laid down a general principle which

I am reading, and Honourable Members should have patience to allow me to read it to them. This is what he says:

"Legislation which is passed without due consideration may have consequences very remote from those which are intended. I am not opposed to the main principle of the Honourable Member's Bill on merits, but I do appeal to the House to show that spirit of caution which is enjoined by Sir Purshotamdas Thakurdas, and I ask the House to accept the motion."

Sir, I again say that Government may have to pass coercive measures for combating with or for putting down terrorism, but that is certainly different from the passive resistance movement to combat which Government should not exercise their powers to pass similar repressive laws. There is a difference between the two movements, and, bearing that fact in mind, I submit that Government will be acting in the right direction if they were to accept one of these two amendments.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I oppose the motion for re-committal of the Bill to the same Select Committee. Those who served in the Select Committee, as I did, know to what extent Government are willing to yield. In his speech at Simla, the Honourable the Home Member enunciated the proposition that he would not allow amendments which will make the provisions of the Bill any pale shadow thereof. That principle was strictly observed in the Select Committee, so far as the main principles of the Bill are concerned. We tried to make amendments in the Bill which are sometimes vital, but although the Honourable the Law Member and the Home Member were courteous and reasonable enough to accept some of our amendments, the Honourable the Home Member did not accept many other amendments. Under these circumstances, to send the Bill to the Select Committee again, is, in my opinion, fruitless and futile.

**Mr. Lalchand Navalrai:** You are against the same Select Committee.

**Mr. S. C. Sen:** Whether it is the same Select Committee or any other Committee, the result is going to be the same. The provisions of the Bill have been thoroughly examined in the Select Committee. The Bill is a very drastic one and a very repressive one also. If we cannot get the provisions changed here, we would ask the Government and require them to work the Bill in a very sympathetic way and with great caution, and although, as I have said, the Bill is a very drastic one, and this is admitted, we could not make the Honourable the Home Member see eye to eye with us regarding the changes suggested. Take the case of picketing over which the greatest amount of discussion took place. We wanted that swadeshim should be allowed to be preached freely provided it was done in a peaceful manner. From the very beginning the Honourable the Home Member suggested that he was not against swadeshim, but against picketing in any form, whether peaceful or otherwise, in the name of swadeshi. So, Sir, there was a deadlock, and we tried to improve the position, but we did not succeed. A clause was subsequently added.

**Mr. S. C. Mitra:** Which means nothing.



**Mr. S. C. Sen:** This is what was added—Explanation clause 7. The Explanation is:

“Encouragement of indigenous industries or advocacy of temperance, without the commission of any of the acts prohibited by this section is not an offence under this section.”

I do not understand what is the object of putting in that clause. Is it intended to be said that although a man does not commit any of the ingredients of the offence under section 7, still he shall be liable, because he was preaching swadeshi or trying to encourage the sale of indigenous goods or advocate temperance? Is it suggested, or was it in the mind of the Honourable the Home Member that any such attempt on the part of the people to encourage the sale of products of indigenous industries or advocate temperance is liable, and, therefore, he has put in this clause as a provision against that?

**The Honourable Mr. H. G. Haig:** The clause, Sir, did not originate with me.

**Mr. S. C. Sen:** Although the identical clause did not emanate from the Honourable the Home Member, something like it was proposed by the Honourable the Law Member and Government accepted this proposal, it practically emanated from the Government side. And what is the object of putting in that clause? If I do not come within the purview of the provisions of section 7, no power on earth, even if it be the Home Member of the Government of India, can put me in jail under this section or under any other section that I know of.

**Mr. Gaya Prasad Singh:** That was trying to throw dust into our eyes.

**Mr. S. C. Sen:** Why should we shut our eyes and allow others to put dust into ours? We did this with our eyes open, and the Honourable the Home Member was candid enough to say that he would not allow any picketing, however peaceful it may be, in the name of swadeshi or otherwise. Having regard to the attitude of Government, which was expressed in the debates at Simla and which was continued in the discussions in the Select Committee, I do not see what object we will gain by referring the matter again to the Select Committee.

As regards circulation of the Bill to the public, although I do not think that any good will come out of it,—people know the provisions of this Bill, they have knowledge of this Bill, they know the provisions thereof in the Ordinances, and all criticisms against those provisions were made at the time the Ordinances were made, but still as some of the provisions have been changed, the Bill may be circulated though I doubt whether any good will come out of it. There are certain amendments notice of which has been given and which, I think, are vital in the interests of the public. If we are strong enough in this House, we can carry those amendments. But circulation cannot bend the opinion of the Government to our side. They know what the opinions of the people are and that was also explained by the Honourable the Home Member in the Simla debate. I must say that some concessions have been made—some very material concessions—both by the Honourable the Law Member and the Honourable the Home Member at the Select Committee, especially the amendments in regard to the press law. There have been cases

where the press law, as enunciated in the Ordinances, being different from the press law, as enunciated in the Penal Code, some newspapers have been mulcted in fines, and the Honourable the Home Member has been kind enough to make the law the same both as regards the Penal Code and as regards this Bill in respect of sedition. The other additions to the press law are very drastic, but we found it impossible to make any changes there. There are other sections which, I think, have already been dealt with by some of the Local Governments, and although the Honourable the Home Member has agreed to their modification in the Select Committee. I do not know what is going to happen to them as the Acts, that have been passed by the local Councils, do not contain any of those modifications. I hope the Honourable the Home Member will direct the Local Governments to amend their law in the light of the amendments which he has accepted in the Select Committee. There is one omission which has been made, and that is, we do not know whether the offences created by this Bill are appealable or not. It was first provided that they should form part of the Penal Code and, as such, they were liable to appeal or otherwise by virtue of the provisions of the Criminal Procedure Code. I am not very well acquainted with the Criminal Procedure Code, but I should think that the Honourable the Home Member will kindly amend that part of the Bill so that the same right of appeal may remain to the accused as if the provisions had been incorporated in the Penal Code as was originally intended.

**Mr. N. R. Gunjal** (Bombay Central Division: Non-Muhammadan Rural): (The Honourable Member spoke in the vernacular a translation of which will appear in a later issue of these debates.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): No Honourable Member has got up to speak. **Mr. Ranga Iyer.**

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I was almost despairing when you said that no Honourable Member got up, because I was certain then that the Honourable the Home Member would be rising to answer us. Sir, I thought I should have been in a proper position to address this House after hearing certain members of the Select Committee, but having indulged in one form of protest or another, they have observed today, rather curiously, the silence of the Sphinx. Therefore, we have to address ourselves on this subject as it lies before us without the wisdom of the members of the Select Committee.

**Mr. Gaya Prasad Singh:** It is enshrined in that document.

**Mr. C. S. Ranga Iyer:** One of the Members sitting behind me has been pleased to say that it is embalmed in that document. (Laughter.) I would rather not go into what has happened in the Select Committee. I would rather deal with the Bill that has been presented to us by the Honourable the Home Member and it was a very short speech, a very clever speech, because it is short, that he delivered. The Honourable the Home Member was short, because obviously he did not want a prolonged discussion. He did not offer himself for attack this time as he did on a previous occasion.

**Mr. F. E. James** (Madras : European) : Are you going to be clever too?

**Mr. C. S. Ranga Iyer** : My friend from the European Group, Mr. James, says, "Are you going to be clever too?" If you cannot be clever, you can at least be good (Laughter), and I propose to be good and the only way in which the Opposition can be good is to stand by the rights and liberties of the people which are threatened today by this measure even as the economic life of this country is threatened under the Ottawa Agreement, which makes this Session a very important one, because we are neither to have economic freedom to choose what we should prefer or reject, nor are we to have political freedom nor even the rights and liberties of the Press. Sir, the Honourable the Home Member did not speak much on the attack that he has been levelling and proposes to level against the Press.

We all know the history of the attack that the Home Department has been launching against the press of India. I was a member of the Select Committee which considered the Press Bill and the Honourable Sir James Crerar, the predecessor of the Home Member, at the time helped by the Acting Law Member, Sir C. P. Ramaswami Aiyar, tried to meet us if not half way, at any rate a quarter of the way. We gave and we took and we also had, where we did not agree with them, a note of dissent. They agreed to many concessions, but, as soon as we went home, either to face our constituencies or on our business, an Ordinance was promulgated behind the back of this House and what was agreed to in the Select Committee by the Government themselves was practically negated by the Ordinance and those objectional provisions are to be incorporated in the new measure that is presented to us. The Government want more and more power to control the press. The Press Act under the aggravated form is also to have an extended period of three years. For three years the Honourable the Home Member must have the press of this country under the mercy of the Government and of the officers of Government whose activities the press of this country has got to criticise in season and out of season. Imagine the seriousness of such a position! In some district or the capital of a province, there happens to be a district officer. That district officer mismanages either the political or the communal situation. That district officer has to be denounced and the newspaper editor, who denounces that district officer, runs the risk of having his press suppressed under this piece of legislation. The Honourable the Home Member has made the tentacles of that octopus, called the Ordinance Bill, wide enough to capture the offending press. He says "to bring into hatred or contempt His Majesty's Government established by law in British India or the administration of justice in British India" will be one of those offences. It reads very good on paper, but surely a newspaper editor who offends the Government, under that particular section, can ordinarily be proceeded against under the ordinary law of the land. But it is not the newspaper editor that they want to proceed against. They want to proceed against the newspaper press. They want to suppress the offending press. They do not want newspaper activities in this country unless those activities are pleasant to the Government—and a Government extremely foreign in character, as the Government themselves have admitted at the Round Table Conference through the speeches of their Prime Minister, and to shed whose foreign character our countrymen

are consulting across the seas with their representatives. Sir, such a Government have got to be criticised, especially when the opponents of Indian aspirations are free to say what they like in their own country. There is Mr. Winston Churchill—a man who has occupied every office open under every party in the British Government. (Laughter.)

**Mr. F. E. James:** Excepting the post of the Secretary of State for India. (Laughter.)

**Mr. C. S. Ranga Iyer:** Except, unfortunately, the post of the Secretary of State for India—a position which he may yet occupy (*A Voice*: “No, no.”) if Mr. Winston Churchill’s party comes into power,—unless he becomes the Prime Minister himself—a position, Sir, which has the non-official blessing of the official organ of the Tory Party, namely, the *Morning Post*. If only my Honourable friend, Mr. James, reads the last article that the *Morning Post* wrote on the last speech that Mr. Winston Churchill delivered on India, he will find that the *Morning Post*, which is the official organ of the Tory Party, warned Mr. Baldwin, even though loyal to him, that the present Government would fall, as the Coalition Government fell, if the present Government were to bungle on the Indian issue, as the Coalition Government bungled on the Irish issue. By “bungling” I imagine Mr. Churchill and the *Morning Post* mean reconciling themselves to the present situation and transferring power to the Indian people. Therefore, Sir, I am not prepared to take such a cheerful view of things as my friend, Mr. James. Both Mr. James and myself know as much about what is happening in Mr. James’s own country through the newspapers of his own country and the speeches of their politicians in and outside Parliament. There is Mr. Winston Churchill, as I was saying, free to say what he likes in his own country, but if any newspaper in this country were to denounce Mr. Churchill and his countrymen who sympathise with him, it would come under one section or another,.....

**Mr. B. R. Puri:** Under all.

**Mr. C. S. Ranga Iyer:**..... as my Honourable friend, Mr. Puri, says, under all the sections. He has served on the Select Committee and he ought to know, and, as a criminal lawyer, he knows that his hands will be full if only newspapers do not bow to this new mandate to be issued by the Government of India. Sir, the object of this measure is to intimidate the Congress press. The object of this measure is to suppress the Congress press. They say there can be only one set of newspapers in the country—the constitutional newspapers, and by “constitutional newspapers” they mean newspapers carrying on constitutional propaganda. The Congress people maintain, on the other hand, that by constitutional propaganda they are entitled to uproot the existing constitution and to substitute therefor a constitution which will be acceptable to the people. The Congress people say that there can be no constitution which is the right constitution without the sanction of the people; and, for that, they are carrying on a particular kind of propaganda in the country. Under this measure, the Congress newspapers either will have to abandon their propaganda or to cease publication. The most honourable and correct attitude for the Government of India would be to proceed against the Congress editors who violate any section of their law, new or old, instead of trying to suppress the Congress presses themselves.



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Sir, after all it is useless for the Government to contemplate introducing responsible government in the country if they think that the press of the country generally is not sufficiently responsible. The most honest position for the Government of India is to take their stand by the side of Mr. Winston Churchill and say: "You are not an educated people, your newspapers are not rightly educating the people, your newspapers are misleading the people, and, therefore, you are unfit for political education or responsible government. Therefore, we withdraw the reforms; we shut up the Legislatures; we put down the press; and we propose to carry on the government with the help of the Ordinances".

Now, why, I ask, did the Honourable the Home Member go through the formality of a Select Committee? It is a formality pure and simple—for the greatest concession that has been given to us is a three years duration for this Bill. We do not want three years duration. It has been said that the Honourable gentlemen who walked out and who walked in, both of them, agreed that there should be only six months' duration,—not that they would have agreed to it, but they were testing whether the Government were agreeable to a compromise in which case they would have agreed to it (Hear, hear), but the Government did not want to restrict the duration of this measure to the same period to which an Ordinance would have been restricted. They want the help of this Legislature to perpetuate their Ordinance administration for three years, and so, Sir, how they have treated this Legislature. The Honourable the Home Member is not responsible personally for it, but he has inherited the responsibility from a Government which has treated this Legislature as an "untouchable", which did not consult this House when the crisis arose in this country, and which passed Ordinance after Ordinance,—rained Ordinances all over the country: now, Sir, when these Ordinances have discredited the Administration, when the people have begun to feel disgusted with the Government, they come to us and say: "Please give us your blessings, let us have prolonged Ordinances for three years with your consent". Sir, if the Government were fair, if the Government respected this House—and, I venture to say, that they have condescended to respect it only at the fag end of their regime when their reputation is in the ditch—if they had originally respected this House, they would not have amended the Press Bill with an Ordinance as soon as we went away home. They would have held a special Session. They might have issued an Ordinance, but they would not have issued a second Ordinance, and they would have held a special Session and placed the Ordinance Bill before us—not now, but after the first Ordinance. No, Sir. They did not care a brass farthing for the opinion of this side of the House and they treated us shabbily, as they treated our political opponents out in the country, namely, the Congressmen, who boycotted "the Legislatures set up by foreigners" and who denounced us as being "co-operators with a foreign Government which deserved to be banished from this country with the help of civil disobedience". The Government tarred us with the same brush. Today when we are discredited in the country, when, if a general election were held tomorrow, not one Member on this side would be returned as against the Congress, when our reputation in the country has suffered, when we have been thrown to the wolves by this Government, they come to us and they tell us: "Please endorse this measure and sign your own political death warrant". (*Cries of "Shame."*) I cannot

understand, Sir, the attitude of the Government. Indeed we feel most intensely about the amazing manner in which the Government have treated the gentlemen who came to this Legislature with the olive branch of co-operation. We gave a proof of that in the Press Select Committee. My friend and Leader, Sir Hari Singh Gour, did a good deal of co-operation on that Committee. My friend, Mr. Bhagat Ram Puri, a great name among the criminal lawyers of the Punjab, co-operated more than I had expected he would co-operate on that Press Select Committee—though, for reasons, with which I will not say whether I am in agreement or disagreement, like my friend, Mr. Das, and which, I hope, will not be discussed across the floor of this House, he walked out of this Ordinance Bill Select Committee, *not*, I venture to say, in protest personally against the Leader of the House, but, because, he thought his patience had been exhausted and there was no hope of getting this particular pernicious piece of legislation drastically amended. Sir, that co-operation of ours on the Press Select Committee was of no use to the Government. The wisdom of Mr. Emerson, who co-operated with us on that Committee, the wisdom of their own Law Member, who subsequently became the Leader of this House, on that Committee, the wisdom of Sir James Crerar who was then the Home Member, on that Committee, all that wisdom was of no use to them; they were waiting for us to go home and then to amend the Press Act with the help of an Ordinance and then rope in the Congress newspapers.

My friend, Mr. B. Das, was referring to a newspaper edited by an enterprising journalist in Bombay who was once associated with me in his younger years in a newspaper of which I was the editor. Sir, *The Free Press Journal* reproduced an article about which the Honourable the Home Member was not willing to give more information when he rose to interrupt Mr. B. Das. But I am quite willing to give the Honourable the Home Member and this House information as to the manner in which the newspaper in Bombay with a very large circulation was about to be suppressed. If it had not produced Rs. 20,000—and it is a big sum even for the Government in these days of depression (Laughter), it is a much bigger sum for us—if it had not produced that sum, *The Free Press Journal* would have ceased publication. And what was its offence? It reproduced an article written by Mahatma Gandhi in his paper *Young India*. That article was printed, published, circulated, widely reproduced all over the country by newspapers with impunity, and that article related to the subject on which the Government have been pleased to permit the Mahatma to do propaganda from behind the bars. For small mercies we are grateful and Mahatmaji himself has expressed his gratitude. Sir, at a time when the Government are sincerely anxious to avoid any misunderstanding as to their attitude in regard to the question of untouchability, here is a newspaper which reproduced Mahatma Gandhi's article on anti-untouchability. The article, I believe, was entitled "Surat Satyagraha". The Government throughout have maintained that the Ordinance Bill is directed to suppress the civil disobedience campaign which is directed against the Government. Surat Satyagraha was not directed against the Government. I admit, there was Satyagraha; I admit it was a form of civil disobedience. I do not know—the Honourable the Home Member will be able to enlighten us—whether the Surat Satyagraha activity was very strong at the time and whether it was directed against

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the Government or against those who resisted the right of the untouchables to be admitted to the presence of their God. Here is a Bill apparently meant to suppress the political civil disobedience movement, but even though this Bill has not yet become law, the Ordinance is directed against a newspaper in Bombay for merely reproducing an unoffending article, an article that has not been declared unlawful by the Government, an article that has not been removed from the premises of the *Young India* office in Ahmedabad, and an article which does not come under the category of proscribed literature. (Hear, hear.) That article was reprinted in the hope that the anti-untouchability campaign could be vigorously pursued; that article was reprinted in the hope that the Government themselves would not mind it; but the Government wanted Rs. 20,000 for the reproduction of that article! Sir, the Honourable the Home Member cannot convince this side of the House that the object of the Government is not to suppress inconvenient newspaper presses. I admit *The Free Press Journal* is an inconvenient press. I admit its sympathies are with the National Congress, though it has not been preaching a no-tax campaign. All Congress newspapers are afraid of the Ordinances and are afraid of losing their property, but they are not afraid of losing the freedom of their editors. Afraid of losing their property, they are anxious to carry on their propaganda within the limits prescribed by the present lawless regime of the Ordinances. When they are quiet and in a moderate, a most temperate mood, the Government come forward and punish them as they punished *The Free Press Journal* for reproducing what is certainly an unoffending article especially in the circumstances in which we and *The Free Press Journal* live, when every effort should be made to put down untouchability. The Honourable the Home Member may say: "Well, this Bill is directed and the present Ordinances are directed against Satyagraha". Even if satyagraha is directed toward the removal of untouchability, Satyagraha must be punished. In that case he should have definitely said so while his Government issued the Ordinances. We were given to understand at the time that political anti-British attitude would be punished, but even anti-untouchability attitude is going to be punished.

**The Honourable Mr. H. G. Haig:** I explained, Sir, in answer to Mr. B. Das that the action taken by the Bombay Government had nothing to do with the question of untouchability. It is no doubt true that the article dealt with untouchability, but it was not in respect of the passages which had any reference to untouchability that the Government of Bombay took that action.

**Mr. C. S. Ranga Iyer:** Was it not in connection with the article on "Surat Satyagraha"?

**The Honourable Mr. H. G. Haig:** I am not aware of the name of the article, but no doubt the article dealt with untouchability. My point is that the action taken had no reference to the untouchability campaign or any portion of that article which dealt with untouchability.

**Mr. C. S. Ranga Iyer:** But did it have anything to do with Surat Satyagraha which was conducted with a view to abolishing untouchability?

**The Honourable Mr. H. G. Haig:** That, Sir, I am afraid, I cannot answer. I will deal with the point in my reply.

**Mr. C. S. Ranga Iyer:** Was it not one of those articles which the Mahatma was permitted to publish with impunity?

**The Honourable Mr. H. G. Haig:** I do not know that he was permitted to publish it with impunity. It was published, I think, in 1930 before there were any provisions of this sort restricting the press.

**Mr. C. S. Ranga Iyer:** Well, Sir, the Honourable the Home Member has given his whole case away. He wants to deal with the press in a manner which is different to that which obtained in 1930. He wants to deny the press the freedom that it enjoyed in 1930. Sir, I would rather have the days of 1930 revived than the days of present repression continued. I want to create an atmosphere of goodwill. I do not want that the newspapers of this country should be crippled especially in view of the coming days of reforms and larger freedom. I do not want that our freedom should be taken away. I refuse to give the Government more power than they enjoyed in 1930 and I want that the Indian press should have more liberty. At any rate, the Indian press must not be denied the liberty that it enjoyed in 1930. Sir, when their countrymen, as I said, enjoy that freedom in England and when we have the right of reproducing the articles of Mr. Winston Churchill in this country, we must also have the right of denouncing Mr. Winston Churchill's countrymen who call us an illiterate, primitive, uncivilised race. Supposing I denounce the English people who call us all that in the same language, suppose I pay them back in the same coin, suppose any newspaper does so, we are punished. Sir, it is said of England:

"It is the land that freemen till  
That sober-suited freedom chose.  
A land where girt with friend or foe  
A man may talk the thing he will."

Sir, this is also the land that sober-suited freedom likes to choose. I do not want what is not sober, namely, this Bill. According to the Honourable the Home Member, it is not sober why then pollute the Statute-book with this Bill? The Honourable the Home Member himself admitted that it was not sober. He said, it was "exceptional". He said, these provisions were "drastic". Therefore, we do not want this piece of legislation to pollute the Statute-book. Now, so much for the rights and liberties of the Press which are assailed by this measure.

Not only is the Press assailed, but also the platform. We cannot hold a meeting in this country without satisfying the district officer that our meeting has nothing to do with the Congress propaganda. We cannot deliver a speech in this country condemning the outrageous speeches delivered against us in England and condemning the drastic action taken against us in India, protesting against the action taken by the Government against the people of this country. We cannot condemn some of the sufferings of our prisoners in the jail and I know that they do suffer. We cannot condemn many other things that are happening under

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the Ordinances. If we do so, this piece of legislation will be directed against us for the next three years. Sir, "chain the platform, curb the Press, suppress the rights and liberties of the people to express themselves in a manner not pleasing to the Government",—this is the purpose of this pernicious piece of legislation. We are here to resist that purpose, we will resist it at every stage, for surely our political freedom is very important to us. The Honourable the Home Member cannot take it away for three years under the pretext that, three years hence, "I am going to hand over this piece of legislation to my successor". I am afraid, Sir, the Honourable the Home Member has a very poor opinion about his successor. (Laughter.) His successors will be quite competent to look after themselves after three years. Forsooth! they are going to hand over their present legacy to their successors and . . . . .

**Mr. K. Ahmed:** Within which period, not after.

**Mr. C. S. Ranga Iyer:** Yes, *within* three years. I am very thankful to my Honourable friend, Mr. Kabcer-ud-Din Ahmed, for correcting me. I stand corrected. The Honourable the Home Member is apparently optimistic, or at any rate wants us to take a cheerful view of the future and believe that he is going to hand over power within three years. Sir, this measure will prevent the handing over of power within three years, for without agitation in the country, without the newspapers having the right to write strongly against Mr. Arthur Moore's paper, more strongly than he writes, without that power, how can we keep alive the public life in this country? Mr. Arthur Moore writes with caution, he writes with restraint. He can afford to write like that. But the people who are agitating for their rights and liberties, they cannot write with that sobriety, because they have to stir up public opinion in the country, especially when public opinion is put down by Ordinances of this kind placed on the Statute-book. If this piece of measure is placed on the Statute-book, then good-bye to any hope of transfer of power within three years.

**Mr. B. R. Puri:** Three decades.

**Mr. C. S. Ranga Iyer:** My Honourable friend, Mr. Puri, says, three decades. I hope public opinion will conquer Government within less than that period. I do not agree with the pessimistic view taken up by my Honourable friend from Lahore. I think even the most faint-hearted amongst us will be astonished at the rapidity with which we are going to conquer power, and it is because we are out for a conquest, we do not want that obstacles, handicaps, Himalayases should be put in our way. This piece of legislation will be the mighty Himalayas in the way of India's conquest and quest for power. That being so, we cannot agree to these three years of Ordinance régime and, that too, with the help of this Legislature. How can the Opposition go to the country after placing this Ordinance Bill on the Statute-book?

The Honourable the Home Member said when he asked us to permit him to take the Bill into the Select Committee with certain gentlemen from this side of the House, he said that he had an idea of not rendering the measure very pale, but, at the same time, he thought he had an idea

of preparing the ground for people who will succeed him. He repeats the same argument today. After three years, everything will be all right and it is open to his successors to keep this measure or leave it. We do not agree to give him three years of Ordinance era with our consent. He, again, said, if he opposed the motion for circulation, he opposed it, because Honourable Members, seated on this side of the House, knew the opinion of their constituencies and the Honourable the Home Member knew the opinion for which his Government stood. Therefore, he asked, why circulate it for public opinion. I agree. He knows his opinion. We know our opinion, and that is why I say, bury this legislation here and now, on the floor of this House. I hope Honourable Members on this side will not press any of their dilatory motions. I trust they will oppose the Bill straightaway and vote for the burial of this motion on the floor of the House. (Applause.) (*A Voice*: "That is the most straightforward course.") My Honourable friend, Diwan Bahadur Rangachariar, whispers that that is the most straightforward course. It is a straight course and it is a forward course and, therefore, a straightforward course.

Coming now to molestation and the right of peaceful picketing, I ask, why should the right of peaceful picketing be taken away from us. This right was not taken away from us in the past. Mr. Gokhale, an honoured name in this country, a name honoured by the Government and the people alike, said that we had the right of peaceful picketing. If the Honourable the Law Member were to speak as a lawyer, he will admit that peaceful picketing is a legal right and there will not be any necessity for this piece of legislation, except to take away what has been a legal right. Why should the legal right of the people be taken away and, that too, when you are presenting the Ottawa pistol at our head. Under the Ottawa Agreement, we are to agree to certain form of preferences. But we have no tariff policy which we can control. We have no control over the finances and, if foreign goods are dumped into this country, have we not got the right of telling the people: 'Do not purchase these foreign goods'. That first gentleman of the Empire, the Prince of Wales, has been going about and telling his countrymen: "Buy Swadeshi, buy British". I admit he also says: "Buy Empire". Sir, have we not got the right, until we are given the same position in the Empire as the Dominions which the Honourable the Home Member promises within three years, have we not got the right of pursuing the policy of peaceful picketing? It may be that we may picket Japanese goods in Bombay. The Japanese goods are dumped on our markets. We do not want sufficient help from this Government in that direction, because if it suits them to prohibit the dumping of Japanese goods, they will say: "Do not picket Japanese market or those who deal in Japanese goods, because we will give you a piece of legislation which will put an end to Japanese dumping". But, supposing we want to picket British goods, supposing we do not want our people to prefer British goods to our own, supposing we want our countrymen to purchase swadeshi, as that patriotic Englishman, Lord Irwin, himself said and I read his quotation the other day, supposing we want our people to buy our own goods, as every patriotic Englishman would purchase the goods of his own country, have we not got the right to go and stand before these shops, have we not got the right to tell every Indian: "Do not enter this shop, because foreign goods are stocked in this shop, go to the other shop where your own

[Mr. C. S. Ranga Iyer.]

countryman stocks swadeshi goods''? Have we not got that right, and why should the Government take away the right? If we were a self-governing Colony, if we were a self-governing nation, and if I were on the Opposition Benches, perhaps I would agree—but I doubt it—I would perhaps agree to their granting a limited permission for picketing. But when we have no tariff control, the only weapon in our hands is peaceful picketing. Government are certainly justified in putting lawless picketers in prison. Their laws are long enough and strong enough to attack any one who happens to be lawless and to attack those who molest illegally those who buy things. But how, on earth, I ask, can, we on this side, honestly and conscientiously vote for a piece of legislation which takes away our legal right of picketing? I do not agree to that. I do not believe that a single Member on this side of the House will agree that the right of peaceful picketing should be described—it is rather a curious phrase—as “molestation”. (Laughter.)

Then comes the question of the definition of “boycott”. One form of boycotting will be picketing itself and we do not want that this peaceful right should be taken away from us. Sir, it is unnecessary for me to go at length into this curious piece of legislation directed against the freedom of our people, the freedom of the press, the freedom of the platform. We, who believe in the freedom of our country, cannot under any circumstances agree to the Government thwarting those rights and thwarting those liberties. We know that it will be impossible for people who are not Congressmen, but who are strong Swadeshists, to carry on and organise a propaganda in this country, the moment we put this Bill in the hands of Government. And there is a danger that this Bill will be abused more than the Ordinance itself, because they will tell the country that this is a Bill which had the support of their own people. For these reasons I hope that this measure will be buried on the floor of this House. (Applause.)

**Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): Sir, my Honourable friend, the Deputy Leader of the Nationalist Party, wanted some members of the Select Committee to speak on the present motion. I can well understand his desire to hear some members of the Select Committee on the topic which has acquired so much prominence in the newspapers. But, Sir, unless and until I have got your permission to disclose what happened in the Select Committee, I am not going to say anything further except what would explain my own personal conduct on the proceedings. My Honourable friend, the Deputy Leader of the Nationalist Party, in his long introduction said something about the Select Committee proceedings, and I gather from the speech which he made that in his long and warm introduction he was simply gathering momentum for defending his own profession of journalism. Sir, this is not the stage at which I can say anything about the clauses relating to the press. I will, therefore, address myself to matters relevant to the present motion, and, in the first instance, I propose to deal with the motion of my Honourable friend, Mr. Sadiq Hasan. My Honourable friend appealed and appealed warmly to the elected Members of this House not to harden their hearts against their countrymen. Sir, I am an elected Member of the House and I appeal to him to harden his heart and to help Government in protecting our countrymen and countrywomen against the worst tyranny which this country has ever known, I mean the Congress tyranny.

I cannot understand my Honourable friend forgetting so very soon and so very easily the number of riots, murders, arsons, raids and assaults on defenceless men, women and children which have blackened the annals of this country for the last two or three years. I cannot understand how my Honourable friend can forget so soon and so very easily Cawnpore and Calcutta, Bombay and Madras and other towns where these crimes have been perpetrated. Sir, when I spoke in this House in the Simla Session, I described the misdeeds of the Congress.

**Mr. B. Das:** You are slandering the Congress.

**Mr. N. N. Anklesaria:** My Honourable friend, Mr. Das, in his usual gentle voice, which I could not hear, interjected that I was  
4 P.M. slandering the Congress. Had I heard that interjection, I would have replied that by countenancing and defending the misdeeds of the Congress he was aiding and abetting the large catalogue of crimes which I have enumerated and which my Honourable friend, Sir Muhammad Yakub, described.

**Mr. B. Das:** I challenge you again: there is no truth in your statements.

**Mr. N. N. Anklesaria:** He again challenges me, but I am not going to waste the time of the House by reading to him the two or three pages of the long list of misdeeds of the Congress which my Honourable friend, Sir Muhammad Yakub, enumerated so very eloquently and so very efficiently, and which will be found in the debates of this House during the last Simla Session.

Sir, I submit that this motion for circulation is not at all a genuine motion for circulation. In the first place . . .

**Mr. D. K. Lahiri Chaudhury** (Bengal: Landholders): Did you not yourself move for circulation in the Simla Session?

**Mr. N. N. Anklesaria:** In the first place it mentions no date by which the opinions are to be elicited.

**Mr. D. K. Lahiri Chaudhury:** What is the general improvement you find which changed your views?

**Mr. N. N. Anklesaria:** I will show the frivolous character of the three grounds which my Honourable friend, Mr. Sadiq Hasan, gave in support of his amendment. He began by saying that he stood for the suppression of violence. I ask him, how is he going to suppress violence,—by merely stating his opinion about the advisability of suppressing violence without taking some concrete action towards that end? He gave out, as his first reason for circulation, that in ordinary matters we circulate a Bill. I respectfully demur from that opinion of my Honourable friend. In ordinary matters it is not usual for us to circulate a Bill. It is only in important matters or in unusual matters that we circulate a Bill to elicit public opinion.

**Mr. D. K. Lahiri Chaudhury:** This is an important matter and why should it not be circulated?



**Mr. N. N. Anklesaria:** For once I will answer this interruption. Mr. Sadiq Hasan stated that in ordinary matters we circulate Bills. I say I depart from that opinion, because, in ordinary matters, we do not circulate Bills. In the second place, what does my Honourable friend want by circulation? As I said at the last Simla Session, the law which has been sought to be embodied in this Bill has been before the public, in some instances for the last twenty-three years. The Ordinances have been before the public for at least one whole year. This law has been seen actually in operation and has been actually administered; and if the public has, up to this time, not come to some definite decision about this matter and have not chosen to inform Government as regards their views, whose fault is it?

Sir, my Honourable friend's second ground is too frivolous for me to dilate upon, because, if I tried to explain his meaning in stating that ground, I think I would be insulting the common-sense of this House. My Honourable friend's third ground was, how can we bind the new Federal Assembly by passing this Bill?

**Shaikh Sadiq Hasan:** I never said so.

**Mr. N. N. Anklesaria:** Something to that effect. He said, the new Assembly would be constituted soon and the new Assembly had better be given a chance of dealing with this matter. So far as I remember, he said something of that sort. I say, if this argument had got any validity at all, then I think we should all pack up and leave and wait till the new Assembly is constituted. It seems all legislation must stop, because the new Assembly is going to be constituted very soon and this House cannot bind by its legislation the new Assembly. I say the absurdity of the argument is too patent to be any further dilated upon. My Honourable friend has stated that this is a Bill to strangle public liberties. I say, this is a Bill which ensures the bare right of existence to millions of my fellow countrymen and countrywomen; and had the Government waited any further before taking up this measure, they would have been guilty of a very serious dereliction of their duties. I would have concluded but for one point. I do not recollect who was the Honourable Member—I think it was Mr. Das who stated something about the conduct of the proceedings in the Select Committee—I mean the conduct of the Chairman of the Select Committee. . . .

**Mr. B. Das:** I did not say that; but if you want to drag it, somebody will reply to you.

**Mr. N. N. Anklesaria:** He said that the Honourable the Law Member was not impartial. I would . . . .

**Mr. B. Das:** I did not say that.

**Mr. N. N. Anklesaria:** Somebody, I do not remember: I think it was Mr. Das. . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member ought to accept the contradiction.

**Mr. N. N. Anklesaria:** Then I will say nothing more about it. But somebody said something about the walk out. I was in the Select Committee and I think it would be fair to all concerned if I state as my humble opinion that the walk out was absolutely unjustified. . . .

**An Honourable Member:** You were half inclined to agree with us then. . . .

**Mr. N. N. Anklesaria:** I was the most aggrieved party and it was for me to have walked out, had I not believed that in giving his ruling the Honourable the Chairman was acting perfectly according to his conviction; and nobody has any right to attribute any motives to any Honourable Member of this House. As I could not attribute any motives to the Honourable the Chairman and as the Honourable the Chairman was perfectly within his rights in ruling out my amendment, I did not walk out; and, I say, it is a matter of regret to me that my Honourable colleagues walked out, because the previous day—I hope I am not disclosing any confidences— . . . . .

**Mr. B. R. Puri:** You are. (Laughter.)

**Mr. N. N. Anklesaria:** Then, that is all I have to say on the present motion.

**Mr. B. N. Misra** (Orissa Division: Non-Muhammadan): Sir, I was not willing to intervene in this debate but for the neighbour on my left side. The Bill, as it has emerged from the Select Committee, has, as its object, to stop the civil disobedience movement. If that is so, I would like to put some questions to the Honourable the Home Member. This movement is not one of one day and it is not only in India; probably this has been thought of for generations by people who are armless and helpless. Such people have always used this. In India we have such a thing as sitting *dhurna* or praying to God or some such means of peaceful persuasion. These are the only methods followed by peaceful and armless people. Of course we have no arms and no other means; and this movement now is not so small a movement. I think the Honourable the Home Member and the Treasury Benches realise that this is a great movement. So I shall ask him some questions for which I do not think he will require six or ten days' notice or any notice at all: neither will he have to search for any departmental files. He can give a reply if he so chooses from his own common sense and from his own knowledge. He and the other occupants of the Treasury Benches are probably thinking that they are going to stop this movement. I think all of us know more or less that Jesus Christ was crucified. He preached and went on preaching; but, with his crucifixion, did Christianity die? I ask the Home Member to answer that question. Christianity never died: on the other hand, it spread and from that little country it has gone out all over the world. So this movement will never die. I want the Honourable the Home Member to answer me whether Christianity died or if any other movement has died in this way as a result of persecution against it. Mahatma Gandhi is in prison today; Pundit Jawaharlal Nehru or Mr. Subhas Chandra Bose or any other man may be put in jail and persecuted; but will all these persecutions stop the movement? That is what I am asking. No sooner Mahatma Gandhi came from London last year from the Round Table Conference than he was

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arrested and imprisoned. Perhaps Mr. Sen-Gupta was arrested on board the steamer. Whatever that may be, has this movement died during this whole year? That is the question I want to ask. Sometime or other it was given out in the papers that the movement was dead; but still we read in the papers every day of so many arrests and imprisonments. I say, this movement will never die, because this is a righteous movement and the people believe in it; they may be right or they may be wrong, but still they believe in it. There is a saying in Sanskrit "*No-Vishnu preethibee pateer*" which means this. It has two meanings which I shall explain. One is that our king or our sovereign power is our God. We shall respect the sovereign power as our God. Sir, there is another meaning, that is to say, one who is *A-Vishnu* or who is not God-like, protector-like, preserver-like, is not our sovereign. But as we have to respect the sovereign power, it should be such in purity and sympathy that it should command the respect of the subjects. That is the whole essence. But, what do we find in India? The sovereign power is most unsympathetic to the people of India, they do not care for the poverty-ridden people; that is why the people are against the Government, that is why the civil disobedience movement has started.

The British administration began in this country about 150 years ago. When the Great and Good Queen Victoria assumed charge, I think she declared in the preamble that she assumed charge "For the Better Government of India". If she had known then that the power would be so mercilessly abused as is done in India today, perhaps she would not have lent her name, which was a household word, to be abused in this manner. Such a good name should not be abused in this manner. The Britishers today are no longer God-like and they do not deserve our respect. They have now become *A-Vishnu*. *Vishnu* is the God. He is the preserver or protector. Our British people do not care to protect our interests. Those Honourable Members who sit on the Treasury Benches are there merely to protect the British peoples' interests and not to protect India's interests. We had the Ottawa Agreement, and still it is being discussed. Our interests are never identical; our interests are never protected by the British Government; the British Government want to protect the interests of their own people. That is why the people of this country are so much against the Government today. It is said that by means of these Ordinances and Bills you will kill the civil disobedience movement or any similar movement. I say, you will not be able to kill it. You may imprison some 33,000 people or perhaps three times more that number. India is not such a small country like the British Isles. India has got several crores of population. Sir, I am asking this question very seriously—do the Government really think that by this Bill they can kill terrorism or kill the civil disobedience movement?

Now, coming to the Bill itself, it is really a very repugnant measure. In the first or second clause, it is stated that its life will only be for three years. I was always thinking that very likely this Third Round Table Conference will perhaps decide matters in such a way as to bring about conciliation in all quarters and there will be no necessity for such measures as these, there will be no place for such obnoxious measures like this. I think the Honourable the Home Member or the Law Member, whoever is responsible for it, has, I must say, committed a great blunder in trying to fix the life of the Bill at three years. They could have put 3,333 or

any number of three's in the Bill if they thought that there would be no conciliation or satisfactory result from the Third Round Table Conference. Let them put any number of three's, and they can be multiplied, and we shall be constantly living like this; the country will not be happy and nobody will be happy. I would, therefore, appeal to the Treasury Benches to adopt the conciliatory method. They are the advisers to His Excellency the Viceroy, whatever His Excellency might like to do,—I do not think I can blame His Excellency the Viceroy, but I should mostly blame his advisers if they do not give the best piece of advice to His Excellency, to adopt a conciliatory policy in this matter. You may put, as I said before, 30,000 people in jail; there are already a large number in jails; they do not care for your laws; they have no respect for your laws, because they do not plead guilty, and you may be sure of it that, by passing not only this Bill, but hundreds of such Bills, nothing will daunt the people. Nobody will be afraid of this or any other similar measure. If we are all alive, we shall see that, with the spread of this movement, all the jails will still be full, and nobody will be afraid of your jails. Now, what will bring about peace and happiness or contentment in the country? Goodwill alone will satisfy the people. Be a preserver-like, be God-like, and protect the interests of Indians. No sooner you begin to protect the interests of Indians, without showing any bias against Indians, you will yourself feel the change. Sir, this movement will never stop; it will go on.

Now, a word about the punishment of parents for the faults of their boys. I think Honourable Members opposite, who have drafted this provision, have children. I think the Honourable the Law Member has boys—I do not know. Supposing his son, who may be studying in Calcutta or elsewhere, does something or joins the Congresswallas, is the Law Member who is sitting here to be punished or fined? (Laughter.) Sir, I am asking this question in all seriousness, and I am appealing to him to consider the unreasonableness of the provision. If my son goes as a Congresswalla, how can you fine me for it? I am sitting here. My son might go with some Congresswalla. I cannot keep him in a box. (Laughter.) Am I to be punished for it? It is really silly that parents should be punished for the faults of their sons. If you think that parents encourage their boys to join the movement and if there is *prima facie* evidence against the parents, then, by all means, punish them; but to fine the parents merely for the faults of their boys is, I must say, lawless law. How can you punish the parents for the faults of their boys? I think one can go on condemning this provision for any length of time, but I do not want to prolong the debate. (Several Honourable Members: "Please go on.") Sir, the whole Bill is defective from top to bottom. It looks as if the whole Bill has been drafted without a conscience, it looks as if there was not even a grain of common sense left anywhere. I am sorry to find that the Honourable Sir Brojendra Mitter, who is drawing only Rs. 6,000 a month and is earning so little, should have lent his name to this Bill. He was earning much more in Calcutta, and I do not know why he should put himself in this awkward position by subscribing his name to this Bill for the paltry sum of Rs. 6,000. (Laughter.) The whole Bill should be condemned from every quarter. It does not deserve any support. For my part, I would like that it should be circulated again, and I support my friend, Shaikh Sadiq Hasan.

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division: Muhammadan Rural): Mr. President, I had not the least desire to speak on the motion.

[Mr. Muhammad Anwar-ul-Azim.]

of my esteemed and learned friend, Shaikh Sadiq Hasan, but I think it would be useful if I indicated a few points with regard to both the amendments. I do not know if any useful purpose is likely to be served if, at this stage, after a lapse of more than one month, since the introduction of this Bill at Simla, anybody were to say that the public opinion in this country has not been sufficiently apprised of its contents or the purpose for which this Bill has been introduced by the Government. Mr. Hasan wants recirculation, for reasons which do not appeal to me at all. His idea is that the country at large have not known what this Bill wants. The Bill, in short, wants to check the growth of civil disobedience movement, in all its bearings. It wants to protect the peaceful citizens from the tyranny of the Congress activities. It will make illegal the creation of race or class hatred of all kinds. In short, in the words of the Honourable the Home Member, it is likely to harken the minds of the peaceful and law-abiding citizens, and consequently will give impetus to Trade and Commerce.

It is very difficult for a non-official and elected Member like myself to speak boldly, because the feelings in my mind are so strong and so very high that, lest I should forget the thread of my arguments, I do not feel justified to go to that length of expression. But if my learned friend, who is a member of my profession, Mr. Sadiq Hasan, tried to be consistent with regard to the subject which he has asked the Assembly to consider, I should have surely expected him to take this attitude—what will be the gain if this very same Committee, consisting of the very same people and the very same number, were to consider it over again, they were not likely to put in any new ideas or new orientations into the merits of this Bill. At this stage I do not think I shall be justified in going into the details of the various clauses, but one thing must be said in passing. I do not think that this Bill has been introduced too early, for the area from which I come, and the constituency, which I have the great honour to represent here for the last six years, do feel that perhaps the Government have been late, rather too slow and over-cautious in certain matters and that the delay on their part was not justified and has given momentum to the civil disobedience movements. Sir, I am not against the best interests of my countrymen. They must have what they legally can. I am a zamindar, and I am also a professional lawyer, but if I find that I am not free, having responsibilities and stakes in the country, to do things in the best way I like, I shall certainly be right to accuse Government if they do not come to my rescue. My grievance would be, on the one hand they are taking income-tax to a large tune from me, they have been taking revenues from me as a zamindar, and they are taking in a hundred and one other ways quite a lot of my income, and, in return, if they are not in a position to give me sufficient help and protection for bringing in this income, I am certainly, as a well-wisher of this country, sure to grumble. (Cheers from the United India Party Benches.) Why this clapping? (Mr. B. Das: "Because the Punjab does not pay any punitive taxes, they are clapping.") I had not the privilege of being able to take part in this debate in Simla, but what I could gather, as a careful listener of debates in this House, perhaps this Bill was intended to meet the menace of civil disobedience. There is a saying in this part of the world, that "the cat should have been killed on the first night." Well, Sir, I should accuse the Government for not taking time by the forelock and not giving their

right mind at the proper time in a momentous question of this kind. If they thought that the Delhi Pact of Lord Irwin and Mr. Gandhi would bring in the millennium, of course, they were entitled to have that opinion, but the subsequent events which have happened, and the way the Government of India have tackled them, show that perhaps they were over-cautious, and, at times, timid.

Now, let me say one or two words, in passing, with regard to the various clauses of the Bill. My Honourable friend, the Deputy Leader of the Nationalist Party, has taken very serious objection with regard to certain provisions embodied here, which are likely to curb the proclivities of the platform speakers and the license which has been taken by the press. I am a presswala myself, and I run a paper. But if anybody has got any respect for history, he knows that things like "DORA" and its sister laws were passed even by civilised countries like England. They have certainly in European countries what is called the supremacy of the law, or the supremacy of the common law. But there are occasions, even in those civilised countries, when they have taken exceptional measures to meet exceptional emergencies. I feel, as a peaceful citizen who wishes the ordered progress of his country, that an emergency has occurred. The facts are so patent all round that it will be futile to deny that the emergency has not come, and we do require legislation of a certain type to be able to live freely, to talk freely or even to breathe freely.

Certain objections have been taken by some of my friends that if this Bill is passed, it will stifle what is called the free movement of Svadeshi articles. I have very great doubts about that matter, because, after all, what is the issue? You must decide one way or the other.—whether you like the continuance of the British connection, or whether you do not. These are the only two issues which it seems to me the Assembly has to decide. If the Assembly decides that we should sever connection with England, of course it is welcome to do so. But I do not think that that should be so, because I feel that for some time to come we require to be under the tutelage of the Government of England till we have reached the strength of adolescence.

**Mr. S. C. Mitra:** Will you ever remain a minor?

**Mr. Muhammad Anwar-ul-Azim:** My friend asks, whether we shall remain minors for all time. No. I remember, Mr. President, once a friend of mine, who wishes me very well, asked me whether it will be possible for a certain class of people to supply a certain kind of material for a certain administration. I had to say that we have to put A in five places and B in 101 places if you have an efficient administration and I think it will be sufficient answer for my friend, Mr. Mitra. (*Sir Abdulla-al-Mamun Suhrawardy:* "Mr. Mitra will have to be in 101 places.") My friend, Sir Abdulla, says that Mr. Mitra will have to be present in 101 places. How can one seriously think of severing the British connection at this stage. I do not think I can usefully take up more time of the House. I am very sorry that my learned friend, Mr. Sadiq Hasan, has put forward this dilatory motion. In his own area things are in a surcharged condition and one match is sufficient to ignite the whole area. With these words, I oppose motions Nos. 1, 2 and 3.

**Mr. R. S. Sarma:** In complimenting the Home Member on the brevity of his speech, the Deputy Leader of the Nationalist Party observed that it had one advantage, namely, that a brief speech was not open to much attack. Sir, I am going to be much briefer than the Home Member and I hope that my speech also will have that advantage and not lend itself to much attack. I oppose this motion for circulation, because, to my mind, it is a foolish amendment. We have heard the whole of this day many speeches in favour of that amendment and I wonder, Sir, whether any of those speeches has the least relevancy with regard to the amendment before the House.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member could have risen to a point of order.

**Mr. R. S. Sarma:** I am not referring to the technical or legal relevancy on which your ruling is supreme, but I am talking about the moral and the commonsense relevancy of the speeches about which we, who have been sitting and listening to, are the sole judges. Sir, while the generosity of the Raja of Palakimedi or the Raja of Kallikote have enabled us to congratulate Mr. Das on the opportunity he has got for establishing personal contact with Lord Sankey in London . . . .

**Mr. B. Das:** On a point of order. Can an Honourable Member discuss private affairs on the floor of this House?

**Mr. R. S. Sarma:** It is, I take it, for a high public purpose that the Honourable Member is going.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): What relevancy has that to the present motion? The Honourable Member was very eloquent about relevancy and the Chair wishes to ask him, what relevancy that has to the present motion before the House.

**Mr. R. S. Sarma:** If you, Mr. President, do not think it is relevant, I withdraw it. Even if it is not relevant, it is at any rate amusing in a dull House. To my mind the position is very clear. Either this House wants this Ordinance Bill or it does not. With an eloquence and warmth of feeling which has not helped to strengthen his case, but which would be very helpful to him in the next election contest, the Honourable Mr. Ranga Iyer asked, why this Government should have the unfairness to come and ask for their co-operation to a retrograde and reactionary legislation? My answer is this. I am not saying anything at this stage in favour of the Bill or against it. I am only placing this general observation for the consideration of this House. There is the civil disobedience movement and, last year, or the year before, Government had to promulgate some Ordinances and, in the debate that we had on the motion for adjournment to consider the question of the Ordinances, it was pointed out by speaker after speaker that they realised there was lawlessness in the country and that if Government came forward with a reasonable measure to put it down, they would not find the Assembly wanting and they said: "Why are you promulgating the Ordinances when the Assembly is sitting." Now, the answer is provided by the Government. Now that the Assembly is sitting, they are not promulgating an Ordinance, but

responding to the call of the Opposition and they are placing before them a proposition for their consideration. If the measures are drastic, it is for the Opposition to suggest amendments as each clause is taken up, but to say "bury this or send this for circulation" is, to my mind, a little dishonest, after the protest that they made on the last occasion asking Government to place their measures before this House. On the other hand, if they think that the whole of this measure is too drastic and too reactionary, and encroaches upon the liberties of the people, they can quite well come up and say: "Look here. We are elected Members. We do not want to face an angry constituency. We are not going to co-operate with you." That will be more honest, but to make this dilatory motion and move for circulation is, to my mind, childish and dishonest.

**Mr. D. K. Lahiri Chaudhury:** However eloquent and however relevant Mr. Sarma may be on this question, opinion differs. I rise wholeheartedly to support the motion that has been ably moved by Mr Sadiq Hasan. My friend, Mr. Sarma, took up the side of the Government and, considering the constituency he represents, his view was proper and reasonable, but my constituency is quite different. I represent the Landholders' constituency. We, Members in this House, not only represent our constituencies on a motion like this, but the interests of the whole of India.

The Honourable the Home Member, when he made his inaugural address in Simla, mentioned three points on which it was necessary for the Government to expedite this Bill. Firstly the civil disobedience movement, secondly, communism and, thirdly, terrorism. It is for these three reasons that the Government want to pilot this Bill in this House. It is really for the first time in the annals of the present constitution that we have been faced with such a drastic legislation. It is really a pity that we do not have here our Swarajist friends on this occasion, but that is no reason why we should not give a tough and strong fight to the Government. Sir, the Honourable the Home Member brought forward the argument that the Government did their level best to bring round Mahatma Gandhi. Their idea was to get Mahatma Gandhi to stop the civil disobedience movement and to co-operate with the Government. Here I have got in my hand the volume called "The Indian Annual Register, 1931", which, I think, is as authentic a book as any, and, with your permission, I should like to read out a few extracts from the Gandhi-Willingdon correspondence which will clearly show how much Gandhiji was eager to co-operate with the Government and how far Government refused that co-operation. Now, with your permission, I shall read out a few extracts

**The Honourable Mr. H. G. Haig:** Sir, on a point of order, is this relevant to the motion before the House?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I was waiting to hear what the Honourable Member wanted to read. What is the point that the Honourable Member wishes to make?

**Mr. D. K. Lahiri Chaudhury:** I want to make it clear that this Bill is not at all necessary at this stage to be piloted on the floor of the House; and I am going to oppose the arguments advanced by the Honourable



[Mr. D. K. Lahiri Chaudhury.]

the Home Member at the last Simla Session in saying that the Government tried their level best to persuade Mahatma Gandhi to co-operate with the Government and that, in consequence of failure only, he was piloting this Bill. I am going to show that the correspondence bears testimony on the point as to how far the Government were justified in embarking on this legislation or how far Mahatma Gandhi felt eager to come to a settlement. In this connection I want to read out a few extracts.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair will wait to hear what extracts the Honourable Member is going to read. The Honourable Member, however, must remember that the present stage is a different stage to the one at which it would be in order for the Honourable Member to draw pointed attention to the points he wishes to bring out. The Chair will raise no objection to his reference to those incidents, but any elaborate quotation would not be apposite to the discussion at the stage which this debate has now reached.

**Mr. D. K. Lahiri Chaudhury**: Sir, it was stated that in connection with this legislation three incidents weighed with the Government: (1) the United Provinces disturbances, (2) the North-West Frontier disturbances, and (3) the press offences. As regards the United Provinces question, I should like to read out only a few extracts from the letter which Mahatma Gandhi wrote to His Excellency the Viceroy and which will convince my friends, the landholder Members of this House, including my friend, Mr. Anwar-ul-Azim, as to how far this legislation is or is not justified. Now, it was said by the Home Member in his speech at Simla that there was a regular no-rent campaign and that a peaceful mob was excited and that it was necessary on the part of the Government to pass a special measure to stop that campaign.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): "To issue an Ordinance."

**Mr. D. K. Lahiri Chaudhury**: Thank you, Sir. Now, regarding the United Provinces disturbances, Mahatma Gandhi wrote to His Excellency the Viceroy thus on the 31st December, 1931:

"Regarding the United Provinces, His Excellency is surely misinformed."

—I may note that it may generally be taken that Mahatma Gandhi, by virtue of his personality and position, cannot say anything unless he knows it definitely and cannot make false statements and use false arguments. He goes on to say—

"because there was no no-rent campaign authorised by the Congress, but whilst negotiations were proceeding between the Government and the Congress representatives, the time for the collection of rents actually arrived and rents began to be demanded. Congressmen were, therefore, obliged to advise the tenants to suspend payment pending the result of the negotiations and Mr. T. A. K. Sherwani had offered, on behalf of the Congress, to withdraw this advice if the authorities on their own initiative suspended collections pending negotiations."

But before any settlement could be reached, Government took the law into their own hands. It did not wait for the decision of the

Congress. As regards his genuine anxiety to bring about a settlement, I shall quote a few extracts from an account of his interviews with some Englishmen on the 28th of December, 1931:

"May I tell you", said *Gandhiji*, "that I tried thrice last year to visit the Frontier Province and failed? After the truce, I asked Lord Irwin if I might do so. I wanted to co-operate fully and so I would not only have his permission, I thought, but encouragement. But he said, "No." Then I pleaded with Lord Willingdon twice, but again failed. Lord Irwin felt that my presence there would create a ferment. Lord Willingdon felt very much the same. If you like I shall try it a fourth time, but if any of you have the ear of Government, I would ask them to be my attorneys and obtain Government's permission, for I do not like to commit civil disobedience if I am ordered not to go. (*Hear, hear.*) For I do not want to start civil disobedience at the wrong end. I would start it at the right end and put Government in the wrong." (*Hear, hear.*)

He was then asked:

"But how would you deal with seditious organisations subversive of Law and Order?"

He replied:

"Sedition is an elastic term, but even if you mean by 'subversive' organisations wanting to usurp the power of Government, they should not be dealt with under Ordinances. Do you know the Government is fast estranging even its supporters by these Ordinances . . . I landed"—*he said concluding the speech at about midnight*,—"in the hope that I shall find out ways and means of tendering co-operation, but when I find that at every step there is a huge boulder, what am I to do? I am dying to find those ways and means, but see not a ray of hope." (*Hear, hear.*)

Now, any Englishman, any Scotchman, any Indian who has got a little knowledge of English can easily understand how, how far Mahatma Gandhi was anxious for peace,—and still the Home Member says: "the Congress was not prepared to co-operate with the Government." In his eloquent speech, my friend, Mr. Sarina, wanted the Government to bring forward their measure in the form of legislation, and now, the Home Member says that it has come, and you must all co-operate with the Government. Now, his idea of co-operation was actually shown in the Select Committee. It has been proved by my friend, Mr. Ranga Iyer, and my friend, Mr. B. Das, as to how far Government were justified in discussing the matters in the Committee. Several esteemed members who were present at the Committee walked out, because they felt it impossible to work with the Government. They felt it seriously, and so they walked out. Now, the Honourable the Home Member comes to this House and says that so long as there continues the civil disobedience movement, Government do not want any vague thing, but wants a clear thing. May I ask the Honourable the Home Member as to how peaceful picketing can be construed into molestation? May I ask, whether it is not the case that, in scores and scores of instances, children of five years and seven years have been ruthlessly beaten in the name of so-called law and order, and that the Government adopted this hush-hush policy and then gagged the press, and I may say, my friend, Mr. Neogy, who is not now here, himself witnessed many such incidents and that he submitted a report which, however, was not published by the press because of the Press Ordinance. And, under these Ordinances, you are proceeding in such a way that every nationalist spirit and every idea of patriotism will be curbed by this piece of legislation. I ask the Government, with the utmost sincerity and frankness, that at the present time, when India is passing through a psychological moment in the history of the world, and

[Mr. D. K. Lahiri Chaudhury.]

when the Third Round Table Conference is sitting in England, and when our leaders are in jail, and when everybody is feeling the pinch of this obnoxious legislation and police terrorism, is it fair and justifiable on the part of the Government to bring this measure on the floor of this House? It is much better for the Government to have public opinion on this Bill and circulate it. If they say that there is no time for doing that, then they can certainly resort to some special legislation. They can pass some more Ordinances. At this juncture, when the Third Round Table Conference is sitting in England, let them show co-operation and sympathy. Let them again try to release the Mahatma so that he may do his best to stop the civil disobedience movement and evolve a solution of the Indian problems. The other day my friend, Mr. B. Das, asked Government to release Mahatma Gandhi so that he may be able to negotiate with Muhammadans and Hindus about the unity conference. But the Honourable the Home Member said that he was a State Prisoner and, therefore, could not be released. May I ask the Honourable the Home Member, with what conscience he allowed him to solve the question of the Depressed Classes? With what conscience did he allow that this State Prisoner should be permitted to carry on correspondence? It has also been stated, times without number, that the question of the Depressed Classes was mainly a social and a religious one. Can he, at the same time, deny the fact that it carried also the political sense? Is it not a fact that the question involved was whether the Communal Award should be retained or not on that particular issue? Is not the Communal Award a political issue? Then, again, with regard to the question of the unity between the Hindus and the Muhammadans, the Honourable the Home Member says that it is a political issue.

**The Honourable Mr. H. G. Haig:** I should be very glad to respond to my Honourable friend's invitation and give him an answer if I understood what it had to do with the question we are discussing.

**Mr. D. K. Lahiri Chaudhury:** The Honourable Member does not understand. It is very difficult to awake a man who feigns to be sleeping. Now, the question is that the Honourable the Home Member has tabled this motion for consideration and has said that it is absolutely necessary in the best interests of this country that this Bill should be passed. I ask the Honourable the Home Member just to wait only for two months. Release all the civil disobedience prisoners; withdraw all the restrictions over the press; allow them to express free opinion; let there be freedom of speeches in public places regarding this Bill; then, after judging the public opinion, you bring such measure. We will see what can be done in January. During these two months, I am sure, Government will be able to govern the country with all the powers that they at present possess. After two months, when we meet again in January, this Bill should be discussed again. I really do not understand why Government should oppose the motion for the circulation of the Bill. I, therefore, support the motion of my friend, Mr. Sadiq Hasan.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th November, 1932.

# LEGISLATIVE ASSEMBLY.

*Wednesday, 16th November, 1932.*

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The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

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## QUESTIONS AND ANSWERS.

### APPOINTMENT OF INDIAN TRADE COMMISSIONERS.

1227. **\*Mr. B. Sitaramaraju:** (a) Will Government be pleased to state how far the scheme for the appointment of Indian Trade Commissioners has progressed?

(b) Do Government intend opening the office of the Indian Trade Commissioner at Milan and in East Africa? If so, when?

(c) Are Government aware that the services of such officers are more useful in times of depression than boom and that with the world competition becoming keener every day, further postponement of these appointments will prove detrimental to the interest of Indian trade?

**The Honourable Sir Joseph Bhoré:** The attention of the Honourable Member is invited to the reply given to parts (a) and (c) of starred question No. 980 on the 30th September, 1932.

**Mr. S. G. Jog:** Will Government please state whether it is the policy of the Government to appoint I. C. S. officers to these posts?

**The Honourable Sir Joseph Bhoré:** I would not state the policy of the Government in any such definite form.

**Mr. S. G. Jog:** How many I. C. S. officers are holding the posts of Trade Commissioners at present?

**The Honourable Sir Joseph Bhoré:** My Honourable friend will realise that I am somewhat new to this Department and I would not like to give him incorrect information. If he would kindly allow me to make enquiries, I will give him the information he wants later on.

**Dr. Ziauddin Ahmad:** Are I. C. S. officers supposed to be experts in trade also?

**The Honourable Sir Joseph Bhoré:** Not necessarily, Sir. They might be.

## SUBJECT-MATTERS OF INVESTIGATION BY THE TARIFF BOARD.

1228. **\*Mr. Nabakumar Sing Dudhoria:** Will Government be pleased to state:

- (a) the subjects or matters that have been investigated by the Tariff Board since its establishment;
- (b) the subjects or matters that are yet proposed to be investigated by that Board;
- (c) the person or body or institution or department of the Government that prescribes from time to time the subjects or matters that should form the subject-matters of that Board's investigation; and
- (d) what sort of commercial bodies and associations are consulted in prescribing the subject-matters of investigation by the Board?

**The Honourable Sir Joseph Bhore:** (a) A statement giving the required information is laid on the table,

(b) The Board is at present engaged in an enquiry into the question of protection to the Cotton Textile Industry. It is not possible to say what other applications for protection will be referred to the Board thereafter.

(c) and (d). The Honourable Member is referred to the Resolution of the Government of India, Department of Commerce, No. 3748, dated the 10th July, 1923, which was published in the Gazette of India of the 14th July, 1923, a copy of which is in the Library.

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*Tariff Board's Reports.*

*Subject of Tariff Board's Reports.*

- Grant of protection to the Steel Industry (1924).
- Removal of the Import duty on sulphur (1924).
- Increase of duties on Steel (1924).
- Grant of protection to the Magnesium Chloride Industry (1925).
- Grant of protection to the Printers' Ink Industry (1925).
- Grant of protection to the Cement Industry (1925).
- Grant of protection to the Paper and Paper Pulp Industries (1925).
- Grant of Supplementary protection to the Steel Industry (1925).
- Removal of the duty on Spelter and enhancement of the duty on imported galvanised hardware (1926).
- Grant of protection to the Wire and Wire Nail Industry (1926).
- Grant of protection to the Coal Industry (1926).
- Grant of protection to the Ship-building Industry (1926).
- Continuance of protection to the Steel Industry (1927).
- Changes in the tariff entries relating to Printing Paper (1927).
- Grant of protection to the Cotton Mill Industry (1927).
- Tariff equality in respect of the manufacture of Camel hair, cotton and canvas ply belting (1927).
- Grant of protection to the Plywood and Tea Chest Industry (1927).

Grant of protection to the manufacture of Railway wagons and under frames, Component parts thereof, and Wire and Wire Nails (1927).

Grant of protection to the Match Industry (1928).

Grant of protection to the Oil Industry (1928).

Tariff equality in respect of the manufacture of electric wires and cables (1926).

Tariff equality in respect of the manufacture of Printing Type (1929).

Tariff equality in respect of the manufacture of Manila rope (1929).

Salt Industry 1930.

Sugar Industry 1931.

Additional protection for Galvanised Sheets (1930).

Gold Thread Industry (1930).

Certain Railway Materials made of Steel (1930).

Steel Rails (1931).

Removal of the Revenue Duty on Pig Iron (1930).

Heavy Chemical Industry (1929).

Magnesium Chloride Industry (1929).

Paper and Paper Pulp Industries (1931).

Wire and Wire Nail Industry (1931).

Manufacture of Electric Wires and Cables (1931).

Additional protection to the Cotton Textile Industry (1932).

Protection to the Glass Industry.

#### GOVERNMENT OF INDIA BILL.

1229. **\*Mr. Nabakumar Sing Dudhoria:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the item of news that appeared in a recent issue of the *Mussalman* which says that the Government of India Bill, that is to be introduced by His Majesty's Government in Parliament next year, was drafted early in May or June, 1931, long before the Second Round Table Conference was held in London;
- (b) if the answer to part (a) be in the affirmative and the news be untrue,
  - (i) what steps they have taken to deny the news; and
  - (ii) whether they are aware that similar rumour has gained currency everywhere in the country even long before the report in the *Mussalman* was published;
- (c) if the answer to part (b) (ii) be in the affirmative, whether they propose to issue a *communiqué* forthwith denying such report and also enlighten the House with a true statement of facts bearing on the subject?

**The Honourable Sir Brojendra Mitter:** (a) and (b). Government have seen statements to the effect referred to by the Honourable Member. I can assure him that there is no foundation whatsoever for them. The procedure which His Majesty's Government proposed to adopt has been explained in His Excellency's address to the Legislative Assembly on the 5th September last. I would also invite the Honourable Member's attention to the report contained in a Reuter's message of the 8th November of a statement made by the Secretary of State in answer to a question

in Parliament that the whole purpose of the procedure of the Joint Select Committee is to obtain full observations and criticisms of Government proposals put forward in the form not of a Bill but of a White Paper by Parliamentary and Indian representatives before the Government of India Bill is introduced in Parliament.

(c) The statement I have just made should be sufficient to dispel any doubts, which may exist in the public mind and the Government do not propose to issue a communiqué in the matter.

**Mr. Gaya Prasad Singh:** Do I understand that the forthcoming Round Table Conference is the last edition of this costly farce, or is there going to be another edition of it?

**Mr. B. V. Jadhav:** It all depends upon circumstances.

(No answer.)

#### POWER-HOUSES OWNED BY THE EAST INDIAN RAILWAY.

1230. **\*Mr. Nabakumar Sing Dudhoria:** Will Government be pleased to state:

- (a) the number of Power-Houses that the East Indian Railway system owns;
- (b) the names of places where there are such Power-Houses;
- (c) the names of Resident and Assistant Engineers at each such Power-House;
- (d) the qualifications in detail of every such Resident and Assistant Engineer; and
- (e) the pay and emoluments enjoyed by each of such Resident and Assistant Engineer?

**Mr. P. R. Rau:** I have called for certain information and will lay a reply on the table, in due course.

#### RETRENCHMENT OF A NUMBER OF INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

1231. **\*Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla): (a) Are Government aware that the services of a number of Income-tax Officers in the United Provinces were recently terminated abruptly by the Income-tax Commissioner for the United Provinces and the Central Provinces?

(b) If the reply to part (a) be in the affirmative, will Government please state the reasons for the same?

(c) Will Government please state the principle followed in respect of the retrenchment of these officers?

(d) Is it a fact that the Income-tax Department in the United Provinces is under re-organisation?

(e) Will Government please state if the services of the above officers have been cut short under the new re-organisation scheme?

**The Honourable Sir Alan Parsons:** (a) Five Income-tax Officers have been retrenched. They were given more than 2 months' notice.

(b) and (c). The officers were selected in accordance with the principles laid down by the Government to govern retrenchment.

(d) Yes. In view of the prevailing financial stringency it was decided to reduce the cost of the United Provinces Income-tax establishment by the concurrent expedients of retrenchment and re-organisation on the system already adopted elsewhere.

(e) This is answered by what I have just said.

**Mr. S. G. Jog:** Has the amalgamation of the Central Provinces Income-tax Office with the United Provinces Income-tax Commissioner's office resulted in any economy?

**The Honourable Sir Alan Parsons:** I imagine so, Sir, but the amalgamation took place before I came in as Finance Member and this question has not come before me. I should have to look up the papers before I could give a definite answer.

**Mr. S. G. Jog:** Will the Honourable Member kindly make enquiries and give a reply sometime later on?

**The Honourable Sir Alan Parsons:** I will certainly lay a statement on the table giving the information required by my Honourable friend.

**Mr. S. G. Jog:** Is the arrangement final or is it only in the experimental stage?

**The Honourable Sir Alan Parsons:** As I just now informed my Honourable friend, I did not myself deal with this case and I cannot, therefore, answer immediately a question which does not directly arise out of the question put to me by the original questioner.

**Dr. Ziauddin Ahmad:** Will the principle laid down by the Government about retrenchment be followed in this case also, that is, in the case of officers of the Income-tax Department?

**The Honourable Sir Alan Parsons:** Yes, Sir.

**Mr. F. E. James:** Can the Honourable Member inform the House whether the gratuities, paid to these officers who have been retrenched, are subject to income-tax and, if so, whether that is the case with regard to all Government servants who are retrenched?

**The Honourable Sir Alan Parsons:** No, Sir. I cannot inform the House without looking up the point.

**Dr. Ziauddin Ahmad:** May I ask whether these persons who are already retrenched are eligible for lower appointments for which fresh appointments are now being made? I do not know whether I have made myself clear. In the United Provinces, in the Income-tax Department, certain Inspectors on lower grade have been recruited. Are these men, who have already been retrenched in higher grades, eligible for appointments in the lower grade?



**The Honourable Sir Alan Parsons:** I will certainly enquire. I see no reason why they should not be offered these appointments of Inspectors if their knowledge is such as would render them eligible for appointments as Inspectors.

**Dr. Ziauddin Ahmad:** My point is, whether, instead of being retrenched, they can be demoted? I do not know whether my Honourable friend has understood my intention.

**The Honourable Sir Alan Parsons:** I quite understand my Honourable friend's intention. I will certainly look into the matter.

#### RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

1232. **\*Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla): (a) Is it a fact that a re-organisation scheme of the Income-tax Department, similar to the one being at present applied in the United Provinces, has already been worked out in the Punjab, Central Provinces and Bengal?

(b) Does the re-organisation scheme taken up in the Punjab, Central Provinces and Bengal differ from that taken up in the United Provinces?

(c) If so, will Government please clearly explain all the points of difference, and state the reasons why they did not attempt the same scheme of re-organisation in the United Provinces, which they worked out in the Punjab, Central Provinces and Bengal?

**The Honourable Sir Alan Parsons:** (a) The system that is now being introduced into the United Provinces prevails in every other Province in India.

(b) and (c). In Bengal there was no concurrent emergency retrenchment, but the system introduced was the same. In the Punjab and the Central Provinces the system in question has been in force since the Department was formed.

#### RETRENCHMENT OF INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

1233. **\*Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla): (a) Will Government please state if the services of all or any of the said Income-tax officers in the United Provinces have been dispensed with in consequence of the recommendation of the Retrenchment Committee?

(b) In case the reply to part (a) be in the affirmative, will Government please state if, in discharging these officers, care has been taken to select only such officers for retrenchment as were entitled to the minimum of compensation and pension as provided in Article 428 of the C. S. R.?

(c) If so, were regular notices, as required by Article 436 of the C. S. R., served on them?

(d) Will Government please state the Article of the C. S. R. under which the cases of these officers fall?

**The Honourable Sir Alan Parsons:** (a) to (d). Five officers have been retrenched, but not directly in pursuance of any specific recommendation of the Retrenchment Committee. They have been selected, and given due notice and other terms, in accordance with the general orders on the subject.

**RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.**

1234. **\*Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla): (a) Will Government please state the number of Income-tax officers whose services were dispensed with at the time of the introduction of the re-organisation scheme in the Punjab, Central Provinces and Bengal?

(b) Is it a fact that it was on the initiative of the Central Board of Revenue that the re-organisation scheme was taken up in the Punjab, Central Provinces and Bengal?

(c) Will Government please state if the object of the Government in introducing the new scheme in Bengal, etc., was to effect economy in the administration of the department?

(d) Will Government please state their object in introducing the scheme in the United Provinces? Has that object been attained?

(e) Is it a fact that some years back the abovesaid scheme was also proposed to Mr. W. Gaskell, the then Commissioner of the United Provinces, for adoption?

(f) Will Government please place on the table the full correspondence that passed between Mr. W. Gaskell and the Central Board of Revenue on the proposal regarding the introduction of the re-organisation scheme in the United Provinces?

(g) Will Government please state the reasons why the new scheme was not taken up in the time when Mr. W. Gaskell was the Income-tax Commissioner in the United Provinces?

**The Honourable Sir Alan Parsons:** (a) There has been no such re-organisation in the Punjab or the Central Provinces. When the Bengal staff was re-organised there was no concurrent emergency retrenchment.

(b) Yes, in Bengal.

(c) Yes.

(d) Both economy and efficiency. The ultimate result will be to effect economy, and I hope to increase revenue also.

(e) No.

(f) Does not arise.

(g) Because there was not then the same urgent necessity for economy.

**RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.**

1235. **\*Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla): (a) Is it a fact that the Income-tax Department re-organisation scheme, which is now being worked out in the United Provinces, was also referred to the late Income-tax Commissioner of the United Provinces, Mr. Muir, for his opinion?

(b) Is it a fact that Mr. Muir vehemently opposed the scheme as recently as March, 1932?

(c) Will Government please state if the new Income-tax Commissioner for the United Provinces and the Central Provinces was consulted on the desirability of introducing the new scheme in the United Provinces? If so, when?

(d) Will Government please state if the new Income-tax Commissioner for the United Provinces and the Central Provinces favoured the scheme?

(e) Did Government instruct him to consult the Assistant Income-tax Commissioners and other senior officers of the Department?

(f) Did the Income-tax Commissioner consult any of the officers of the Department in the United Provinces with regard to the scheme? If so, whom?

(g) What view of the scheme was taken by these officers?

(h) Is it a fact that the Central Board of Revenue, finding that no officer of the Department in the United Provinces was agreeable to the scheme, abolished the post of the Income-tax Commissioner of the United Provinces and put the province in the hands of the Income-tax Commissioner of the neighbouring province, viz., Central Provinces?

(i) Is it a fact that the Association of the Assistant Commissioners and Income-tax Officers sent a representation to the Central Board of Revenue, protesting against the scheme?

(j) Is it a fact that the said Association also sought permission to wait on the Central Board of Revenue?

(k) Was their request granted? If not, why not?

(l) Will Government please state if they fully considered the question as to whether the efficiency of the Income-tax Department in the United Provinces will in any way suffer under the new scheme?

**The Honourable Sir Alan Parsons:** (a) to (g). I regret that I am not prepared to disclose what departmental discussions took place before the re-organisation was decided upon, or what views on it were held by various officers subordinate to the Central Board of Revenue.

(h) No.

(i) and (j). Yes.

(k) A member of the Central Board of Revenue agreed to receive a deputation while he was at Lucknow, but the Association said they had no time to arrange for one on the day fixed by him.

(l) Of course; otherwise they would not have introduced it.

#### RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

1236. **\*Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla):

(a) Is it a fact that the expenditure of the Income-tax Department in the

Central Provinces and Punjab after re-organisation is about 12 and 9 per cent., respectively, of the income of the department?

(b) Is it a fact that the expenditure of the Income-tax Department in the United Provinces before re-organisation has been only about eight per cent. of its income?

(c) If the replies to parts (a) and (b) be in the affirmative, will Government please state why the retrenchment has not yet been effected in the Punjab and the Central Provinces where the percentage of expenditure is higher?

**The Honourable Sir Alan Parsons:** (a) The expenditure in the Central Provinces is about 8 per cent. of the revenue and in the Punjab about the same. There has been no re-organisation of the departments in these Provinces since they were first formed.

(b) The expenditure in the United Provinces is between 5 per cent. and 6 per cent. of the revenue.

(c) Because it was not considered that there was any scope for such retrenchment in those Provinces.

**Dr. Ziauddin Ahmad:** Has the expenditure in the United Provinces diminished on account of this re-organisation?

**The Honourable Sir Alan Parsons:** Yes, Sir. About Rs. 15,000 per annum.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if retrenchment has taken place in other provinces in the Income-tax Department?

**The Honourable Sir Alan Parsons:** Not in the same way.

**Mr. Lalchand Navalrai:** May I now in what way?

**The Honourable Sir Alan Parsons:** The organisation which is now being introduced in the United Provinces was in force in the other provinces before and is a cheaper organisation. All that was done in this case was to introduce in the United Provinces the cheaper organisation which had been in force in Bengal and other provinces and which had proved to be very efficient there.

**Mr. Lalchand Navalrai:** What is the way of making retrenchments in the Bombay Presidency?

**The Honourable Sir Alan Parsons:** I am afraid the Honourable Member must give me notice of a question of that kind. I am only dealing here with the re-organisation of the Income-tax Department in the United Provinces.

**Mr. S. G. Jog:** Is it not a fact that the Income-tax Officer who has been brought into the Central Provinces is senior to the United Provinces man?

**The Honourable Sir Alan Parsons:** I have not the least idea.

RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

1237. \***Mr. Bhuput Sing** (on behalf of Lala Rameshwar Prasad Bagla):  
(a) Will Government please state the reasons for introducing the re-organisation scheme in the Income-tax Department of the United Provinces, against the well-considered opinion of successive Commissioners and the Association of the Assistant Commissioners and Income-tax Officers of the United Provinces?

(b) Do Government expect any appreciable savings by the introduction of the scheme? If so, will Government please place on the table a comparative statement showing the total amount of expenditure anticipated by the Department under the new scheme as well as the expenditure actually made under the old system, taking into consideration the gratuities, allowances and pensions payable to the officers axed under the new scheme?

(c) Is it a fact that in the notices served on these retrenched officers it was stated that their services were being terminated under the re-organisation scheme and that they would be given the benefit of the retrenchment rules?

(d) Is it a fact that in the place of the five officers retrenched with effect from the 31st October, 1932, 12 new officers have been appointed from the 1st November, 1932? If so, are these cases of retrenched officers covered by the retrenchment rules offered to them?

(e) In case the removal of these officers was necessary to effect economy in the administration, will Government please state why 12 new appointments have been made?

**The Honourable Sir Alan Parsons:** (a) To secure efficiency and economy.

(b) Yes, substantial savings. But the full scheme can only be introduced gradually as was done in Bengal. The information asked for by the Honourable Member cannot, therefore, yet be furnished, because a complete final scheme has not been introduced. What has been introduced is a small instalment of the final scheme.

(c) and (d). The officers in question were given the usual retrenchment terms. 12 Inspectors have been appointed in their place.

(e) The twelve Inspectors are a first instalment of the cheaper agency employed in all other provinces which the scheme provides, to do some of the work done in the United Provinces by the more expensive agency of Income-tax Officers.

MOTOR COMPETITION WITH RAILWAYS.

1238. \***Mr. Bhuput Sing:** (a) Will Government be pleased to state whether their attention has been drawn to the problem of the increasing growth of motor competition with the Railways which has assumed such serious dimensions in recent years?

(b) If so, have they directed any special inquiry into this extremely complex problem? What has been the result of such enquiry, if any?

(c) What is the approximate estimated loss of earnings to the Railways through motor competition during the last year?

(d) Are Government aware that there is enough scope in India for the improvement of feeder and local roads for the development of local communications which are still awaiting construction?

(e) What is the considered policy of Government on this matter?

**The Honourable Sir Frank Noyce:** (a) The problem has been receiving the attention of Government for some time past.

(b) and (c). The Government of India have instituted an enquiry by a small committee of two officers whose report is awaited.

(d) and (e). Upon receipt of the report on the enquiry above referred to, the Government of India propose to convene a conference of representatives of Local Governments, Railways and other interests to discuss the whole matter with a view to establishing a co-ordinated policy.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if there is any idea of reducing the fares in order to compete with the motor traffic?

**Mr. P. R. Rau:** There are no proposals under consideration at present for any general reduction of railway fares.

**Mr. Lalchand Navalrai:** Are Government prepared to consider whether fares should not be reduced in order to meet this competition.

**Mr. P. R. Rau:** Till the Committee's report is received, they are not in a position to consider any suggestions of that sort.

**Mr. Lalchand Navalrai:** May I take it that the matter will be considered when the report is taken into consideration?

**Mr. P. R. Rau:** The question of how to meet the motor competition in the best interests of Railways is always under consideration.

**Dr. Ziauddin Ahmad:** Will the Honourable Member instruct the officers on duty to consider this fact whether the bad connections on junctions are also responsible for the diversion of traffic from railways to roads, and these bad junctions are regulated by the vendors who are allowed very high rates?

**Mr. P. R. Rau:** I will send a copy of the Honourable Member's question to the members of the Committee.

#### INTRODUCTION OF LOWER GRADE INCOME-TAX ASSESSMENTS.

1239. **\*Mr. Bhuput Sing:** (a) Will Government be pleased to state the total income from lower grade assessments in India up to October, 1932, showing the incomes from different provinces separately? What is the total number of such cases?

(b) What is the total increased expenditure of Government on account of the introduction of this new form of assessment in India?

(c) Do Government propose to continue this form of assessment or do they contemplate discontinuing it?

**The Honourable Sir Alan Parsons:** (a) A statement showing the amount of tax on lower-incomes assessed and collected in each Province up to September, 1932, is laid on the table. The total number of persons assessed could only be ascertained by a special compilation in all Income-tax Offices which I am not prepared to direct.

(b) The expenditure on this account cannot be stated at present. The provision of Rs. 12,35,000 in the Budget is not likely to be exhausted

(c) I cannot foretell the provisions of the next Finance Bill.

Serial No.	Province.	Amount fallen due.		Collections.	
		Arrears.	Current.	Arrears.	Current.
		Rs.	Rs.	Rs.	Rs.
1	Madras . . . .	12,296	2,60,192	11,539	2,42,645
2	Bombay . . . .	28,989	8,12,027	26,002	5,84,507
3	Bengal . . . .	14,341	2,35,324	12,583	1,59,163
4	United Provinces . .	13,457	1,85,447	9,983	1,16,264
5	Punjab . . . .	24,986	2,05,424	23,065	1,99,861
6	Burma . . . .	9,622	1,45,676	8,200	1,36,241
7	Bihar and Orissa . .	9,732	1,50,328	8,236	81,596
8	C. P. and Berar . .	4,558	97,276	4,432	84,449
9	Assam . . . .	1,005	60,800	839	47,486
10	N. W. F. Province . .	3,609	23,408	2,707	19,393
11	Delhi . . . .	3,157	23,740	2,608	11,753
	Total . .	1,25,752	21,99,642	1,10,194	16,83,358
		23,25,394		17,93,552	

**Mr. Lalchand Navalrai:** Is it in contemplation that this assessment will be discontinued?

**The Honourable Sir Alan Parsons:** I must repeat what I said in reply to part (c), that I cannot foretell the provisions of the next Finance Bill.

**Dr. Ziauddin Ahmad:** Is the Honourable Member contemplating that in the next Finance Bill he will alter the rates under Customs also?

**The Honourable Sir Alan Parsons:** I am just as unable to prophesy what will be done in the next Finance Bill with regard to Customs rates.

**Dr. Ziauddin Ahmad:** Are we to understand that in the next Bill changes of the Customs Duties Act will again be altered in the month of March?

**The Honourable Sir Alan Parsons:** I should not advise my Honourable friend to understand anything of the sort at present.

**INCOMES FROM HIGHER GRADE ASSESSMENTS AND APPEALS AND REFERENCES BEFORE THE ASSISTANT COMMISSIONER AND COMMISSIONER OF INCOME-TAX.**

1240. **\*Mr. Bhuput Sing:** (a) Will Government be pleased to state whether there has been any drop in incomes from higher grade assessments as compared with the previous years? If so, how much is the drop in each province in India?

(b) Are Government aware that appeals and references before the Assistant Commissioner and Commissioner of Income-tax remain pending for about a year and are not even then disposed of? If so, what are the reasons for these inordinate delays in giving justice?

(c) What steps are being proposed to be taken to prevent such delays and to secure the speedy disposal of appeals and references in future?

(d) Is it a fact that in all cases of references under section 86 of the Indian Income-tax Act, instructions have got to be taken by the Commissioners from the Central Board of Revenue as to the effect the acceptance may have on the fiscal and other aspects of the question?

(e) Do the Commissioners consult Government Advocates and Legal Remembrancers on the points of law raised, before giving their final decisions?

**The Honourable Sir Alan Parsons:** (a) A statement is placed on the table showing the number of assesseees in each grade in each Province in the 3 years 1929-30 to 1931-32.

(b) and (c). No. If any specific cases of inordinate delay are brought to the notice of the Central Board of Revenue they will investigate the cause of the delays and take steps to prevent such delays recurring if possible

(d) All draft references to the High Court are submitted to the Central Board of Revenue who advise the Commissioners on the legal points involved and the manner of their presentation.

(e) I am not sure to what "final decisions" the Honourable gentleman refers. So far as I am aware, Commissioners do not consult their legal advisers before disposing of Revision petitions. They usually, perhaps invariably, consult their legal advisers in regard to the drafting of references to the High Courts.



*Statement showing the number of assesses in each grade in the various Provinces in the years 1929-30 to 1931-32.*

Grades.	Madras.	Bombay, Bengal.	U. P.	Punjab.	Burma. B. & O.	C. P.	Assam.	N.-W. Delhi. F. P.	India Central and other Minor Adminis- trations.	Total.			
1. 2,000 to 2,499 .	6,828	18,453	7,511	5,617	5,107	5,933	2,286	3,292	991	603	1,662	10,016	68,331
2. 2,500 to 2,999 .	5,370	8,688	5,047	3,212	3,508	3,996	1,470	1,846	545	438	819	5,426	40,365
3. 3,000 to 3,499 .	4,532	6,902	4,287	2,734	2,924	3,009	1,380	1,496	496	355	890	4,124	33,129
4. 3,500 to 4,999 .	7,991	12,224	7,737	2,759	4,936	4,257	2,720	2,670	950	600	1,489	6,638	53,971
5. 5,000 to 7,499 .	6,915	10,520	6,833	3,646	4,065	3,343	2,506	2,061	920	508	832	4,862	49,011
6. 7,500 to 9,999 .	3,434	4,876	4,261	1,927	2,007	1,970	1,191	999	473	202	440	2,203	23,983
7. 10,000 to 12,499 .	1,925	3,287	2,231	920	1,011	1,245	828	535	336	153	283	1,644	14,398
8. 12,500 to 14,999 .	1,036	1,519	1,201	438	538	798	356	270	160	52	132	895	7,395
9. 15,000 to 19,999 .	1,295	2,061	1,611	577	627	926	477	340	176	77	238	1,092	9,497
10. 20,000 to 24,999 .	663	1,256	801	269	357	510	242	170	135	35	106	550	5,094
11. 25,000 to 29,999 .	431	647	500	184	178	312	125	82	60	17	100	240	2,876
12. 30,000 to 39,999 .	372	751	528	160	144	389	128	94	45	24	131	110	2,876
13. 40,000 to 49,999 .	233	433	233	83	74	206	80	34	16	10	66	20	1,488
14. 50,000 and over .	289	753	616	131	108	360	107	50	16	24	36	14	2,504
15. Unclassified .	722	937	4,562	1,116	234	535	695	108	88	4	275	1,425	18,601
Total	42,036	73,307	47,989	25,773	25,918	27,791	14,591	14,047	5,407	3,102	7,499	39,259	3,26,719

1930-31.

1. 2,000 to 2,499	6,601	17,891	7,456	5,340	5,206	5,249	2,373	3,205	983	689	1,772	10,784	67,529
2. 2,500 to 2,999	5,178	8,594	4,698	3,165	3,273	3,562	1,462	1,903	504	484	1,001	5,797	39,551
3. 3,000 to 3,499	4,397	6,756	4,043	2,714	2,747	3,053	1,404	1,596	463	407	915	4,220	32,715
4. 3,500 to 4,999	7,833	12,199	7,419	4,394	4,417	4,248	2,488	2,728	950	639	1,420	7,049	55,804
5. 5,000 to 7,499	6,590	9,660	6,772	3,332	3,736	3,267	2,378	2,149	887	456	932	5,692	45,861
6. 7,500 to 9,999	3,427	4,566	4,006	1,568	1,813	1,962	1,171	1,051	518	222	460	2,044	22,808
7. 10,000 to 12,499	1,838	3,014	2,174	813	936	1,247	714	492	320	154	306	1,677	13,685
8. 12,500 to 14,999	1,115	1,606	1,197	532	473	744	339	275	170	91	167	898	7,607
9. 15,000 to 19,999	1,254	1,902	1,492	559	549	820	405	318	194	87	166	1,101	8,847
10. 20,000 to 24,999	711	970	748	248	310	478	221	152	109	46	145	503	4,641
11. 25,000 to 29,999	429	575	414	156	150	276	121	84	40	31	92	241	2,609
12. 30,000 to 39,999	413	625	432	152	126	289	148	93	37	16	107	180	2,558
13. 40,000 to 49,999	223	390	209	87	63	141	62	29	16	6	63	15	1,304
14. 50,000 and over	237	675	537	110	92	244	100	54	15	19	57	14	2,154
15. Unclassified	724	1,305	4,676	1,184	327	491	661	162	113	4	294	426	10,567
Total	40,990	70,728	46,473	24,354	24,218	26,071	14,047	14,291	5,319	3,331	7,897	40,511	3,18,240



**DETENTION OF PACKAGES OF COPIES OF DIWAN CHAMAN LAL'S BOOK  
COOLIE AT THE ROYAL ALBERT DOCKS, LONDON.**

1241. \*Mr. Bhuput Sing: (a) Will Government be pleased to state whether they are aware that the packages of copies of Diwan Chaman Lal's book *Coolie* which had been held by the Customs officials in docks, was delivered to the consignee after three weeks' detention since its arrival at Royal Albert Docks on September 9th, 1932?

(b) Did the Customs officials in India examine these books before accepting these for transport to London? If so, what was the necessity of a further test in London?

(c) Has there been any correspondence between the Indian and British Governments over the detention of the packages at the docks? Are Government aware that the packages were soiled and the consignee had to suffer serious losses? What reply, if any, has been received from the British Government?

**The Honourable Mr. H. G. Haig:** (a) and (c). No.

(b) Since there is no export duty or prohibition applicable to the export of books, it is unlikely that the books were examined by the Customs Department in India at the time of exportation.

**MEMORIAL TO THE ASSEMBLY OF THE LEAGUE OF NATIONS ON BEHALF  
OF THE INTERNATIONAL COMMITTEE FOR INDIA RE THE POLITICAL  
SITUATION IN INDIA.**

1242. \*Mr. Bhuput Sing: (a) Will Government be pleased to state whether any memorial signed by the leading international workers of most of the European national workers including M. Lievens of Belgium, Dr. Winternitz of Czechoslovakia, M. Georges Hoog and Madame Morin of France, Mrs. Marguerite Cousins of Ireland, Mr. Wilfred Wellock, and Mrs. Pethwick Lawrence of England, M. Bokke Lesson of Norway, and Madame Gertrude Baer of Germany outlining the conditions prevailing in India and expressing that the Ordinances should be repealed and political prisoners released, has been submitted to the Assembly of the League of Nations on behalf of the International Committee for India?

(b) Has the memorial appealed to the delegates of the Assembly to take any possible action for promoting better relationship between Great Britain and India and has it emphasised that the problem of India involves world peace?

(c) Has the memorial been accepted by the League of Nations and what steps, if any, have the delegates taken upon it?

(d) Was the memorial submitted through the Indian Delegates or directly to the League?

**The Honourable Sir Brojendra Mitter:** (a) to (d). Government have seen a newspaper report on the subject but have no further information.

APPLICATIONS SUBMITTED BY INDIAN FIRMS AND INDUSTRIES BEFORE  
THE RAILWAY RATES ADVISORY COMMITTEE AGAINST VARIOUS  
RAILWAYS CHARGING UNFAIR RATES.

1243. \***Mr. Bhuput Singh:** (a) Will Government be pleased to state whether applications have been submitted by several Indian firms and industries before the Railway Rates Advisory Committee against various Railways charging unfair rates which hamper their growth and prosperity to a great extent?

(b) Has there been any complaint by the salt merchants of the Sambhur Lake that lower freights are quoted by the East Indian and Bengal and North-Western Railways for imported salt from Howrah to certain sections on the latter Railway while the same Railway as well as the Bombay, Baroda and Central India Railway charge heavy rates on traffic from Sambhur?

(c) Is it a fact that the Central Provinces and Berar Mining Association have complained against the Bengal Nagpur Railway that the rates they are charging on manganese ore meant for export have led to the capture of a great part of their continental market by Russian products?

(d) If the answers to parts (a), (b) and (c) be in the affirmative, what steps, if any, have been taken to remove the grievances?

(e) Do Government contemplate forming a separate Ministry of Transport and Communications to adjudicate the conflicting interests of different markets and trades and so to inform the Railways as to secure a co-ordination of rates? If not, why not?

(f) What provision is proposed to be made for this department in the new constitution shortly to be introduced in this country?

**Mr. P. R. Rau:** (a) and (b). Yes.

(c) The Central Provinces and Berar Mining Association have complained against the rates charged by the Bengal Nagpur Railway for manganese ore traffic booked to Bombay.

(d) The complaints have been, or are being, investigated and reported upon by the Railway Rates Advisory Committee. In some cases the complaints were withdrawn; in others a compromise was arrived at; in still others the Government of India have passed or will pass orders on the reports submitted by the Railway Rates Advisory Committee.

(e) and (f). No such proposal is at present under active consideration but this suggestion will I daresay be among those that will be examined along with other details of the new constitution.

**Dr. Ziauddin Ahmad:** In view of the fact that the Railway Department at present is a step-child of the Commerce Member, is it not desirable to bring this fact to the notice of the Round Table Conference for a discussion of this question?

**The Honourable Sir Joseph Bore:** I do not think, Sir, this question calls for any answer from me.

**SPEECH BY SIR RUSTOM VAKIL, MINISTER OF LOCAL SELF-GOVERNMENT, BOMBAY, AT THE ALL-INDIA INDUSTRIAL EXHIBITION, IN REGARD TO THE "BUY BRITISH" AND "BUY INDIAN" MOVEMENTS.**

**1244. \*Mr. Bhuput Sing:** (a) Will Government be pleased to state whether their attention has been drawn to the speech of Sir Rustom Vakil, Minister of Local Self-Government, Bombay, at the All-India Industrial Exhibition in the course of which he contrasted the "Buy British" and "Buy Indian" movements and insinuated against the "Buy Indian" campaign?

(b) Has the attention of Government been drawn to the Indian merchants' press note in this connection which concludes "It would be most serious if the *Swadeshi* movement is going to be condemned by the Government directly or indirectly, merely because more advanced political views and elements in India also advocate it. Do the Government put it forward as a test of good citizenship that a man should import foreign goods and use them even when similar goods are produced in India?"

(c) Has there been any correspondence between the Government of India and the Bombay Government on the subject? If so, what?

**The Honourable Mr. H. G. Haig:** (a) I have seen a Press report of the speech which does not seem to me to bear out the description given by the Honourable Member.

(b) I have seen the Press note.

(c) The Government of India addressed all Local Governments calling their attention to the letter dated 11th April, 1932, from the Private Secretary to His Excellency the Viceroy to the Western India National Liberal Association, Bombay.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state what is the view of the Government of India with regard to this "Buy Indian" movement?

**The Honourable Mr. H. G. Haig:** The Honourable Member has already addressed a number of questions to me on this subject and received a number of answers. I have nothing to add to the answers I have previously given to him.

**Mr. Lalchand Navalrai:** So far as I remember, I never put any question with regard to this "Buy Indian".

**The Honourable Mr. H. G. Haig:** I may be doing my Honourable friend an injustice, but certainly I have answered within the last two months a large number of questions on this subject.

**Mr. Lalchand Navalrai:** Do the Government of India agree with the statement made by the Honourable the Minister of Bombay?

**The Honourable Mr. H. G. Haig:** I should be glad if my Honourable friend will quote the precise statement which he has in mind.

**Mr. Lalchand Nayalrai:** It is stated in the question that the Honourable the Minister contrasted the "Buy British" and the "Buy Indian" movements and insinuated against the "Buy Indian" movement. What I want to know is, if these are not the facts, what are the exact facts? What exactly did he say and what was the effect of it?

**The Honourable Mr. H. G. Haig:** I must refer the Honourable Member to the report of the speech itself. But, as I said in my original reply, the description of the speech given in the question did not seem to me to be a fair description of it.

**LETTER FROM A GROUP OF SCOTTISH MISSIONARIES TO THE SCOTTISH MEMBERS OF THE PARLIAMENT IN REGARD TO THE ORDINANCES.**

**1245. \*Mr. Bhuput Sing:** (a) Will Government be pleased to state whether they are aware that a group of Scottish Missionaries connected with India have addressed a letter to the Scottish Members of the Parliament saying that the rule by Ordinances has created bitter resentment amongst all classes of people in India and among many of those who were previously consistently friendly in their attitude towards Government?

(b) If so, has a copy been forwarded to the Government of India and what reply, if any, has been sent to it?

**The Honourable Mr. H. G. Haig:** (a) and (b). I have seen a Press report of the letter referred to by the Honourable Member; no copy has been sent to the Government of India, and the question of a reply does not arise.

**DELAY IN DELIVERING AN INSURED LETTER SENT BY ONE MR. SRI PRAKASH FROM THE KABIR CHOURA POST OFFICE OF BENARES TO SRI HARI SHANKAR BIDYARTHI, EDITOR OF *DAINIK PRATAP*.**

**1246. \*Mr. Bhuput Sing:** (a) Will Government be pleased to state whether their attention has been drawn to a message from Cawnpore, dated the 6th October, 1932, published in the '*Dainik Pratap*' of 8th October, 1932, under the heading '*Post Bibhag ka Suprabandh*'?

(b) If so, is the allegation contained therein correct that an insured letter sent by Mr. Sri Prakash, from Kabir Choura Post Office of Benares, on the 29th March, 1932, addressed to Sri Hari Shankar Bidyarthi, Editor of '*Dainik Pratap*' reached him on the 6th October, 1932, after six months and eight days?

(c) If the answer to part (b) be in the affirmative, what is the reason for the inordinate delay and who is responsible for it?

(d) What steps have been taken to prevent such delays in future?

**Mr. T. Ryan:** (a) Government have now seen the message.

(b) to (d). The matter is being investigated and a reply will be placed on the table in due course.

**RUNNING OF A THROUGH TRAIN VIA LOOP LINE.**

**1247. \*Mr. Bhuput Sing:** (a) Will Government be pleased to state, with reference to the proposal made in the meeting of the East Indian Railway Advisory Committee held in Calcutta on the 27th February, 1932

(viz., that Nos. 41 up and 42 down trains be extended up to Dinapore as before for the convenience of passengers to and from Bhagalpur and Patna, which was rejected on the ground that the traffic offering did not justify the proposed extension) whether they have considered the question of extending the service to Delhi to meet the administrative difficulty?

(b) Will Government be pleased to state whether they are aware that the running of a through train *via* the Loop Line is the demand of all sections of people residing in that part of the country for more than a quarter of a century?

(c) Do Government propose to appoint an expert committee of inquiry to report whether it is possible at all to give effect to this scheme and what are the difficulties in the way, if the scheme be totally impracticable?

**Mr. P. R. Rau:** (a) I have sent a copy of the question to the Agent, East Indian Railway, for consideration.

(b) Government are aware that there have been frequent requests for the running of such a through train.

(c) No.

#### DECISION ON THE OTTAWA AGREEMENTS BY THE VOTE OF THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE ASSEMBLY.

1248. **Mr. B. Sitaramaraju:** Will Government be pleased to state whether the decision on the Ottawa Agreements will be left to the vote of the non-official Members of the Assembly?

**The Honourable Sir Brojendra Mitter:** The reply is in the negative.

#### DEPORTATION OF FEMALE CONVICTS TO THE ANDAMANS.

1249. **\*Mr. Goswami M. R. Puri** (on behalf of Rai Bahadur Sukhraj Roy): (a) Will Government be pleased to state whether Srimati Bina Das, B.A., accused in the Governor shooting case, and some other female prisoners are shortly going to be transferred to the Andamans?

(b) If so, what are the grounds for the said transfer and on whose recommendations has the proposal for the transfer emanated?

(c) Was the attention of Government drawn to the recommendations of the Jails Committee presided over by Sir Alexander Cardew regarding the transfer of prisoners to the Andamans, as given in 626 Vol. 1 "that the deportation to the Andamans of all female convicts should be put an end to as soon as possible"?

(d) Have the general health and moral conditions in the Andamans changed in any respect since the above recommendations were made? If so, in what respects and how?

(e) Are Government aware of the strong public resentment prevailing in the country against such transfers?

**The Honourable Mr. H. G. Haig:** (a) and (b). As indicated in my reply to Mr. S. C. Mitra's starred question No. 511 on the 20th September last, the principle has been accepted of sending female terrorist convicts to the Andamans should it be considered desirable to do so. At the moment it is not proposed to take any action.



(a) The Honourable Member will find an answer to his question in the reply which I gave to Mr. S. C. Mitra's starred question No. 511 on the 20th September last.

(d) I would refer the Honourable Member to my reply to Mr. S. C. Mitra's starred questions Nos. 511, 514, 515 and 517 on the same date.

(e) Government are not aware of the feeling described by the Honourable Member.

#### ROUND TABLE CONFERENCE.

1250. \*Mr. Goswami M. R. Puri (on behalf of Rai Bahadur Sukhraj Roy): (a) Will Government be pleased to state whether the delegates to the Round Table Conference were invited by the Prime Minister on his own initiative or on the recommendations of the Government of India?

(b) In what cases were these recommendations accepted and in what cases were they not accepted by the Prime Minister?

(c) What is the total amount of money proposed to be spent in connection with the Round Table Conference and the proportion in which it is to be borne by the Indian and British Governments?

The Honourable Sir B. L. Mitter: (a) The Honourable Member no doubt realises that these matters are not the concern of the Governor General in Council. Invitations are issued by His Majesty's Government.

(b) Does not arise.

(c) The expenditure from Indian Revenues is estimated to amount to about Rs. 1.9 lakhs. In addition about Rs. 70,000 are expected to be incurred in England on account of compensatory allowance to delegates. It is anticipated that His Majesty's Government will bear this expenditure as well as that connected with the Conference proper including a proportion of the cost of the Secretariat, Social Secretary, etc.

#### GOVERNMENT OF INDIA BILL.

1251. \*Rai Bahadur Sukhraj Roy: (a) Will Government be pleased to state whether their attention has been drawn to the news given currency to by *The Mussalman* that the Government of India Bill that is to be introduced by His Majesty's Government next year was drafted or was being drafted as early as May or June, 1931, that is, long before the Second Round Table Conference which the Congress was prevailed upon to attend?

(b) If so, is there any truth in the news?

(c) Is it a fact that the Third Round Table Conference will not be allowed to stray beyond the White Paper?

(d) What is the exact time by which the new India Bill is proposed to be introduced in the British Parliament and the date by which the new constitution will begin to work in India?

The Honourable Sir B. L. Mitter: (a) and (b). The Honourable Member is referred to the reply given to Mr. Nabakumar Sing Dudhoria's question No. 1229 today.

(c) The Honourable Member is referred to the speech delivered to this House by His Excellency the Viceroy on the 5th September, 1932.

(d) The Honourable Member is referred to the reply given to part (a), of starred question No. 100 on the 7th September last.

# REMOVAL OR REDUCTION OF IMPORT DUTIES ON FOREIGN WHEAT.

1252. \*Rai Bahadur Sukhraj Roy: Will Government be pleased to state:

- (a) whether their attention has been drawn to the strong and persistent rumour current in the wheat market that the Government of India, in implementing the secret Agreements arrived at in the last Ottawa Conference, will remove or at any rate reduce the existing import duty of Rs. 2-8-0 per cwt. on foreign wheat entering the Indian ports, and that in consequence, Australian wheat will enter the Indian ports at no distant date;
- (b) if so, whether or not the existing import duties on foreign wheat entering India are proposed to be removed or reduced; if to be reduced, to what extent; and
- (c) what the likely date is when such removal or reduction is expected to come into operation?

The Honourable Sir Joseph Bhoré: (a) The Government of India have heard of such rumours but as the Honourable Member is now doubtless aware there is nothing in the Trade Agreement made at Ottawa affecting the Indian import duty on wheat.

(b) and (c). The Government of India are at present unable to indicate the future course of the wheat import duty which, under existing legislation, is in force till the 31st March, 1933, but whatever the course, it will be solely dictated by the interests of this country.

# RELEASE OF MAHATMA GANDHI.

1253. \*Rai Bahadur Sukhraj Roy: (a) Will Government be pleased to state with reference to the recent exchange of correspondence between His Excellency the Viceroy and Maulana Shaukat Ali, regarding the release of Mahatma Gandhi for the Unity Conference, what were the objections in releasing him only to enable him to take part in the Conference or at least in allowing the Maulana free interviews with the Mahatma in jail?

(b) Was the sudden stoppage of interviews with the Mahatma by political leaders after the Poona Pact ordered by the Bombay Government on their own initiative or upon instructions from the India Government or His Majesty's Government?

(c) Are Government aware that these measures have brought about a lurking suspicion in the minds of many Indians that the Government having become nervous over the Poona Pact are trying to prevent the different communities of India from coming to a settlement among themselves, as part of their *Divide et Impera* policy?

(d) If so, what steps have been taken by them to allay these suspicions?

**The Honourable Mr. H. G. Haig:** (a), (c) and (d). I have nothing to add to the replies I gave on the 7th November, 1932, to the short notice question by Mr. B. Das and on the 14th November to the question by Mr. Lalchand Navalrai and the various supplementary questions.

(b) The action taken was in accordance with the policy of the Government as a whole.

**GENERAL POLICY OF THE POSTAL DEPARTMENT IN REGARD TO THE  
TRANSMISSION OF PRESS MESSAGES.**

1254. **\*Rai Bahadur Sukhraj Roy:** Will Government be pleased to state:

- (a) if their attention has been drawn to the statement made in newspapers regarding the press message sent by Maulvi Muhammad Yasin, Chairman of the Burdwan Municipality, regarding his wholehearted support of Hindu-Muslim-Sikh-Unity pourparlers, which was handed over to the Postmaster, Thakurgaon, in the Dinajpur District, but which the latter refused to transmit;
- (b) if so, why and, on what grounds, the refusal was made;
- (c) whether it was done with the approval of the authorities or on his own initiative; and
- (d) what the general policy of the Postal Department is regarding the transmission of press messages?

**Mr. T. Ryan:** (a) No; but as the result of enquiries now made, it is understood that the press message to which the Honourable Member refers was one addressed by Maulvi Muhammad Yasin to the Associated Press, Calcutta, on the 14th October, 1932.

(b) and (c). The message was considered objectionable by the civil authority and the telegraph office was, therefore, advised to intercept it.

(d) The attention of the Honourable Member is invited to section 5 of the Indian Telegraph Act, and to Rules 15 and 180 of the Indian Telegraph Rules, 1932.

**PRACTICE OF MILITANT USURY PREVAILING IN INDIA.**

1255. **\*Rai Bahadur Sukhraj Roy:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the practice of militant usury prevailing in India under which industrial workers suffer untold misery and harassment at the hands of creditors;
- (b) what recommendations have been made by the Whitley Commission and the Banking Committee in this respect; and
- (c) whether any speedy action is being contemplated to be taken to afford relief to the long suffering mass of primary workers?

**The Honourable Sir Frank Noyce:** (a) Government are aware that industrial workers are sometimes subjected to harassment and intimidation by creditors.

(b) The recommendations of the Whitley Commission are contained in Chapter XIII of their Report, a copy of which is in the Library of the House. The Central Banking Committee made no recommendations specially applicable to industrial workers.

(c) I am sorry that I am not in a position to promise rapid action in respect of most of the Whitley Commission's recommendations relating to indebtedness as they raise issues of importance which require careful examination. But Government have reached provisional conclusions on some of them and I hope next session to present to this House a Bill which will include provisions designed to prevent delays in the payment of wages.

**Mr. K. Ahmed:** Are Government aware that wages of workers are not attachable as recommended by the Royal Commission on Labour?

**The Honourable Sir Frank Noyce:** The Honourable Member is a greater authority on the recommendations of the Royal Commission than I am.

**Dr. Ziauddin Ahmad:** Will the Honourable gentleman consider that the labourers in agricultural fields should also get the benefit of this Bill he is contemplating?

**The Honourable Sir Frank Noyce:** Their case will certainly be considered, but I can make no promise of the kind suggested by my Honourable friend.

**Dr. Ziauddin Ahmad:** I thought that the condition of these workers in agricultural fields was more pitiable than the workers in urban areas?

**The Honourable Sir Frank Noyce:** That may be so, but the conditions of agricultural employment are very different from those of industrial employment

#### APPALLING CONDITION OF IMMIGRANTS RETURNING FROM EAST AFRICA AND OTHER FOREIGN COUNTRIES.

**1256. \*Rai Bahadur Sukhraj Roy:** (a) Will Government be pleased to state whether their attention has been drawn to the appalling condition of immigrants who have returned from East Africa and other foreign countries under compulsion?

(b) Are Government aware that many thousands of them paraded the streets of Calcutta the other day to seek shelter and food?

(c) What steps do Government propose to take to give redress to these helpless people?

(d) Is there any proposal for constructing new works to provide employment for these people and to obtain cheap labour?

(e) Are any steps being proposed to be taken to prevent the incoming, in such large numbers, of immigrants at a time, by making necessary arrangements with the Governments of the countries concerned?

(f) Do the Agents on behalf of India in the different countries help in this matter? If not, why not?

**Mr. G. S. Bajpai:** As the subject matter of the Honourable Member's question has roused a certain amount of public interest recently, I hope, Sir, that you will permit me to explain it in some detail.

The immigrants referred to by the Honourable Member have not returned under compulsion either from East Africa, or any other foreign country, nor do they number several thousands. So far as the Government of India are aware, their number does not exceed 850. The

majority of them hail from British Guiana, Trinidad and Surinam. All of them came back of their own free will, with the help of passages to which they were entitled under the terms of the contracts under which they originally migrated to the colonies. Nor are many of them recent arrivals. At least, a considerable number would appear to have been settled at Matiabruz for several years. The Government of India have, at intervals, received petitions that they should be sent back at Government expense either to the colonies from which they came or to some other colony. Government have not found it possible to accede to such requests. Since 1921, nearly 70,000 emigrants have returned to this country from the colonies, excluding Malaya, Ceylon and East Africa. There is no reason to assume that economically and socially India has treated them differently from the small group who have congregated at Matiabruz. If financial assistance were given to these latter to re-emigrate, on the ground that they find conditions in India uncongenial, it would be impossible to refuse similar assistance to the much larger number who have settled elsewhere in India, or who might hereafter return from the colonies, and the drain thus imposed on Government resources would be continuous and incalculable. Attempts were made in 1926 and 1928 to persuade the Governments of British Guiana and Fiji to take back, at their own expense, some of the emigrants who had returned from these colonies, and 350 and 173 respectively were thus sent back. Efforts were also made to find an outlet for some of the Matiabruz colony in Malaya, but without success. The prevailing economic depression rules out all prospect of successful negotiation with the Governments of the Colonies from which they came to take them back, for the tendency all over the world now is to discourage fresh immigration while the depression lasts. The only course, therefore, open to the Government of India is to endeavour to persuade these people to go back to those places in the interior of India to which they originally returned from the colonies, and to find work for them there suited to their capacities and aptitudes. Considering that the vast majority of those who have returned from the colonies appear to have been absorbed in the mass of the population, there is no reason why the small proportion now at Matiabruz should not be similarly accommodated, provided that they are willing to adapt themselves to Indian conditions in the same spirit in which other returned emigrants have done. The Government of India can think of no other satisfactory solution. Meanwhile, on the recommendation of the Government of Bengal, they have sanctioned a grant of Rs. 2,000 for the immediate relief of physical distress which is said to prevail among these returned emigrants.

**Mr. K. Ahmed:** In view of the fact that the Honourable Member's statement does not contain, it seems, why, and what are the reasons that, these people, so many, and in thousands, are coming back and repatriated to this country . . . . ?

**Mr. G. S. Bajpai:** My Honourable friend, Sir, did not specify what my statement does not contain. Presumably I am expected to answer the latter part of his question, namely, whether thousands of emigrants are coming back to India. The reply is in the negative.

**Mr. K. Ahmed:** In view of the fact that the Honourable Member has admitted himself that so many are stranded at Matiabruz and some at Calcutta and so many are still coming from Malaya and other places, such as South Africa, Trinidad, etc.—and if he will exercise his

mathematical experience, he will find that the number will not in any way be below thousands,—or even if that is not admitted by him that he is not a mathematician, perhaps my friend, Dr. Ziauddin Ahmad, will enlighten him on that point,—what I am asking is, why, all of a sudden, a good many people have made up their minds and have come away from South Africa, Trinidad, etc., . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. Would it not be more convenient if the Honourable Member put a direct supplementary question, one at a time?

**Mr. K. Ahmed:** Just to save the time of the House, Sir, and to enable the Honourable Member in charge to answer the whole question, I am putting the question this way. (Laughter.) However, I bow to your ruling, and I will put him the question—is that so or not? (Loud Laughter.)

**Mr. G. S. Bajpai:** I confess, Sir, that this somewhat entangled jumble of bad mathematics and wrong inferences is completely unintelligible to me.

**Dr. Ziauddin Ahmad:** May I understand that Government would have no objection to send these people back to the Colonies from which they came if their expenses are paid for?

**Mr. G. S. Bajpai:** No, Sir; Government would have no objection whatsoever to send these people back to the Colonies if their expenses are paid for, and the Governments of the Colonies concerned are also prepared to take them back.

**Dr. Ziauddin Ahmad:** That is a different issue altogether. I understood that the Government had no objection to send these people back, and there was no difficulty on the other side, I mean in the Colonies?

**Mr. G. S. Bajpai:** Sir, it is perfectly true that I did state that Government would have no objection to sending these people back, but I purposely added the qualification about the readiness of the other Governments, because, as the Honourable Member is aware, investigations have been made in the past in regard to outlets for the surplus of India's population in Mauritius and British Guiana, and we have been told that it might be unwise to permit such further emigration, because it might have an adverse effect upon the standard of living on the people living there.

**Dr. Ziauddin Ahmad:** So it is not true that the Colonies are not prepared to take them back?

**Mr. G. S. Bajpai:** No, Sir, that is not true. I have stated in my answer that in 1926 British Guiana had agreed to take 350. . . .

**Dr. Ziauddin Ahmad:** Now?

**Mr. G. S. Bajpai:** Now, I cannot say, it is very unlikely.

**Dr. Ziauddin Ahmad:** Will the Honourable Member kindly make inquiries from these Colonies whether they are prepared to take these people back if their expenses are paid for?

**Mr. G. S. Bajpai:** I have no objection to make inquiries from the Colonial Governments concerned, but such information, as is available to Government, does not encourage the hope that they will be prepared to take back these people at present.

**Mr. K. Ahmed:** What is the number that has been repatriated and why they are stranded at Matiabruz and at Calcutta? What is the number?

**Mr. G. S. Bajpai:** I have stated the number. I have said that there are not more than 850 of these emigrants at Matiabruz, and I would like to inform my friend that I did not say that they came back suddenly. On the contrary, I said they have been dribbling in for a period of years.

**Mr. F. E. James:** Will the Honourable Member explain to the House whether the Government of India have invited the co-operation of the district authorities in re-settling these emigrants who return in the districts from which they originally came?

**Mr. G. S. Bajpai:** In the past, Sir, I am sorry to say, that such co-operation has not been invited, but, in the communication which has recently been addressed to the Government of Bengal, asking them to persuade these people to go back to the districts, it has been indicated that such co-operation would be invited if they are agreeable to go back.

**Mr. Muhammad Yamin Khan:** May I know whether, if these people want to go back to the Colonies, they will be treated as fresh emigrants or they will be able to enjoy all the rights and privileges which they enjoyed before?

**Mr. G. S. Bajpai:** No, Sir; there is no limitation as regards that. If a person has been settled in a Colony for a period of five years or more, he and his wife and child can always go back to that Colony.

**Mr. Muhammad Yamin Khan:** I understood, when the Honourable Member stated that the Colonies would not be prepared at present to take them back, that these people would be treated as fresh emigrants and that they would lose all their rights which they enjoyed before?

**Mr. G. S. Bajpai:** No, Sir; I did not wish to suggest that at all. What I wished to convey to the House was that, because of the prevailing economic depression at the present moment, there might be reluctance on the part of the Colonies to have fresh addition to their population. That is what I had in mind.

**Mr. Muhammad Yamin Khan:** That is exactly what I am asking. Will these people be treated as fresh additions or as old settlers?

**Mr. G. S. Bajpai:** I wish to explain the position again. There is no question of anybody retaining a lien in a Colony. The great majority of the Colonies, from which these people came back, have no restrictions on the immigration of Indians. Therefore, it does not matter how long they have been away. Further, they can go back any time they like. The point I wished to emphasise was that, as in India and in other countries,

so in the Colonies, there is economic depression at the present moment, and, therefore, the Governments concerned may not be willing or may not be agreeable to these people going back. That was my point.

**Mr. Gaya Prasad Singh:** May I know from what part of the country the bulk of the emigrants, who are settled at Matiabruz, originally came?

**Mr. G. S. Bajpai:** Does the Honourable Member mean the part of India from which they went?

**Mr. Gaya Prasad Singh:** Yes.

**Mr. G. S. Bajpai:** I should say about 15 per cent. from Bihar, and the rest from the United Provinces, but this is merely a rough guess.

**Mr. Gaya Prasad Singh:** May I know what steps have the Government of India taken, in consultation with the district authorities or the Local Governments concerned, in regard to any scheme for re-settling these people in the villages from which they originally came?

**Mr. G. S. Bajpai:** I have said, Sir, in reply to my friend, Mr. James, that in the past no such steps were taken, but Government are prepared to take such steps now.

**Mr. Gaya Prasad Singh:** I am referring to those who are now settled in Matiabruz. I want to know if the Government of India have taken any steps in order to re-settle them in parts of the country from which they originally came.

**Mr. G. S. Bajpai:** That is a point which is under consideration now. The Government of Bengal have been asked to persuade these people to go back to their original destinations, and then, when these people go back, the Government of India would endeavour to settle them there.

**Mr. Gaya Prasad Singh:** Since how long the bulk of these people in Matiabruz have been there?

**Mr. G. S. Bajpai:** For quite a number of years; five or six years it may be.

**Mr. Gaya Prasad Singh:** Do I understand that the Government of India have taken no steps during the last five or six years to communicate with the Local Governments concerned to get them re-settled in their respective places?

**Mr. G. S. Bajpai:** No, Sir. My Honourable friend need not understand anything of the kind. The Government of India have had frequent reminders of the presence of these people in Calcutta and each time a request has been made to the Local Government to try and persuade them to do something—either go back or get work locally,—but the reports, which we have had from the Protector of Emigrants, show that they have been unwilling to accept the work which was offered to them.

**Mr. Gaya Prasad Singh:** What have these people in Matiabruz been doing? How are they earning their livelihood?



**Mr. G. S. Bajpai:** I think most of them have had casual employment of some kind or other. But now-a-days, because of the depression they find it difficult to find employment in Calcutta or elsewhere.

**Mr. Gaya Prasad Singh:** Do I take it that the Government of India are now prepared to communicate with the Local Governments concerned, and ask them to evolve some scheme by which these people may be persuaded to go back to their villages from which they came?

**Mr. G. S. Bajpai:** I have already answered that question in the affirmative.

**Bhai Parma Nand:** If it is found on enquiry that the Colonial Governments are prepared to take them back, would the Government of India be ready to send them back free of cost?

**Mr. G. S. Bajpai:** I have already explained that the Government of India will not be in a position to incur any expense themselves on sending them back to the Colonies, but if they are willing to go back to the Colonies and somebody, whether the Colonial Government or private enterprise, undertakes the expense, and if the Colonial Governments are willing to take them back, of course, there will be no objection to their going back.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if the communication of the Bengal Government indicates any terms on which these people will be taken back?

**Mr. G. S. Bajpai:** The first thing that the Government of India have to make sure of is that these people would really want to go back, because efforts made in the past to induce them to find some work in this country have not been very successful. As soon as the Government of India hear from the Government of Bengal that there is a prospect of inducing these people to go back, the necessary arrangements will be made.

#### MONOPOLY BY NON-LOCAL EMPLOYEES IN THE GOVERNMENT DEPARTMENTS OF BALUCHISTAN.

1257. **\*Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that almost all Government Departments of Baluchistan are monopolised by the non-local employees?

(b) Is it a fact that no locals are employed either in the executive or in the ministerial staffs of the following departments:

1. Political Department,
2. Intelligence Bureau,
3. Irrigation Department,
4. Excise Department,
5. Military Engineering Service, and
6. Quetta Municipality?

(c) Will Government be pleased to place on the table a statement, showing separately, the total number of officers of all grades and clerks in each of the above Departments and how many of them belong to Baluchistan and how many are aliens?

(d) Will Government be pleased to state whether it is a fact that in the railways, there are only two locals working as assistant guards, while in the ministerial branch of the same department, there is only one local clerk?

**Mr. H. A. F. Metcalfe:** With your permission, Sir, I propose to answer questions Nos. 1257 and 1259 to 1262 together. The information is being collected and will be given to the House in due course.

**OFFICERS AND CLERKS WORKING IN THE POSTS AND TELEGRAPHS  
DEPARTMENT OF BALUCHISTAN.**

1258. **\*Seth Haji Abdoola Haroon:** Will Government be pleased to state the total number of officers of all grades and clerks working in the Posts and Telegraphs Department of Baluchistan?

**The Honourable Sir Frank Noyce:** 180 of whom 159 are clerks.

**STAFF WORKING IN THE CIVIL DEPARTMENTS OF BALUCHISTAN.**

† 1259. **\*Seth Haji Abdoola Haroon:** Will Government be pleased to state the total number of:

- (a) Naib Tahsildars,
- (b) Tahsildars,
- (c) Extra Assistant Commissioners,
- (d) Junior Assistants,
- (e) Senior Assistants,
- (f) Head Clerks, and
- (g) Office Superintendents,

working in the Civil Departments of Baluchistan and show how many of each of these belong to Baluchistan and how many are aliens?

**SUPERIOR POSTS IN THE GOVERNMENT DEPARTMENTS OF BALUCHISTAN.**

†1260. **\*Seth Haji Abdoola Haroon:** Are Government aware that all superior posts are held by foreigners in the Government Departments of Baluchistan and that no chance is made available to local men when there is a vacancy of a superior post?

**UNPAID OR TEMPORARILY PAID LOCAL CANDIDATES IN THE REVENUE  
COMMISSIONER'S AND SUBORDINATE OFFICES IN BALUCHISTAN.**

†1261. **\*Seth Haji Abdoola Haroon:** Are Government aware that in the Revenue Commissioner's and subordinate offices in Baluchistan, there are several local youths, who are unpaid or temporarily paid candidates in some cases for the last seven or eight years, but have not yet been taken up permanently?

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† For answer to this question, see answer to question No. 1257.

### ADEQUATE REPRESENTATION OF LOCAL PEOPLE IN THE VARIOUS GOVERNMENT DEPARTMENTS OF BALUCHISTAN.

†1262. \*Seth Haji Abdoola Haroon: (a) Are Government aware, that though orders have been issued by local authorities in Baluchistan with regard to the encouragement to be given to locals, yet the same are not being carried out by the officers in charge? If so, why?

(b) Are Government aware that several appeals have since been made to the authorities concerned with regard to this state of affairs, but in vain?

(c) Do Government realise the necessity of an adequate representation of locals in the various Government Departments of Baluchistan? If so, what specific action do they propose to take to safeguard the interests of Baluchistan men, so that their strength in Government Departments might be increased adequately?

### MEMBERS OF THE QUETTA MUNICIPALITY.

1263. \*Seth Haji Abdoola Haroon: (a) Will Government be pleased to state whether it is a fact that the Quetta Municipality is not an elected body and members thereof are nominated by the Local Government?

(b) Is it a fact that the number of locals in it is insignificant?

(c) Will Government be pleased to state the total number of members of the Quetta Municipality, showing separately the number of those belonging to Baluchistan, and of aliens?

Mr. H. A. F. Metcalfe: With your permission, Sir, I will answer questions Nos. 1263, 1264 and 1265 together. Information is being obtained from the local administration and will be given to the House when it is received.

### FEASIBILITY OF PROMOTING THE QUETTA MUNICIPALITY TO AN ELECTED BODY.

†1264. \*Seth Haji Abdoola Haroon: (a) Is it a fact that the Political Agent, Quetta, recommends confidentially the names of members of the Quetta Municipality to the Honourable the Agent to the Governor General, who accepts the names?

(b) Are Government prepared to consider the feasibility of promoting the Quetta Municipality to an elected body so that the people of the soil might be adequately represented?

### APPOINTMENT OF LOCAL PEOPLE IN THE STAFF OF THE QUETTA MUNICIPALITY.

†1265. \*Seth Haji Abdoola Haroon: Are Government aware that in the staff of the Quetta Municipality there is no local employee? If so, are Government prepared to issue orders to the authorities concerned at Quetta to the effect that in future any post that falls vacant may be reserved for locals, so as to raise their number to an adequate level?

†For answer to this question, see answer to question No. 1257.

†For answer to this question, see answer to question No. 1263.

**NOMINATION OF LOCAL PEOPLE TO THE CANTONMENT BOARD, QUETTA.**

**1266. \*Seth Haji Abdoola Haroon:** (a) Is it a fact that there are no locals nominated to the Cantonment Board, Quetta?

(b) If so, do Government propose to nominate locals to safeguard the interests of the people of Baluchistan?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) The matter is one for the Local Government to whom a copy of the question is being sent.

**Dr. Ziauddin Ahmad:** May I ask what is the Local Government in this case?

**Mr. G. R. F. Tottenham:** The Agent to the Governor General, Baluchistan.

**DETAILS OF ALL GRADES OF OFFICERS AND CLERKS WORKING IN THE POSTAL DEPARTMENT, MULTAN DIVISION.**

**1267. \*Seth Haji Abdoola Haroon:** (a) Has the attention of Government been drawn to an article under the heading "Serious grievances of Muslim Employees", which was published in the *Eastern Times* of Lahore on the 27th October, 1932?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether the contents thereof are correct? If not, will they please lay on the table a statement showing the correct details of all grades of officers and clerks working in the Postal Department, Multan Division, and the correct numbers of the employees belonging to each of the following communities:—(i) Hindus, (ii) Muslims and (iii) Christians?

(c) Are Government aware that the existing proportion of Muslims in the above department is inadequate? If so, what action do they propose to take to remove the communal inequality and to safeguard the rights of Mussalmans?

**The Honourable Sir Frank Noyce:** (a) Government have seen the article.

(b) Government have not enquired into the allegations. Even if it be the case that Muslims are only slightly represented in a particular division it does not follow that any mistake has been made, since, as I stated in reply to a supplementary question on the 14th instant, postings are not made as a rule with reference to communal considerations. No "correct numbers" as asked for by the Honourable Member can therefore be specified.

(c) The Honourable Member is aware of the regulations regarding recruitment of members of the minority communities which Government are making every effort to enforce.

I would add that a copy of the Honourable Member's question is being sent to the Postmaster-General.

## COLLECTION OF LOCAL CESS FROM ZAMINDARS IN BRITISH BALUCHISTAN.

1268. \***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether the system of collection of local cess from Zamindars is prevailing in British Baluchistan?

(b) If so, what is the approximate annual revenue from that source?

**Mr. G. S. Bajpai:** (a) and (b). Enquiries have been made from the Local Administration, and a reply will be laid on the table of the House in due course.

## ADVISABILITY OF ESTABLISHING LOCAL BOARDS IN BRITISH BALUCHISTAN.

1269. \***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether there are District Local Boards in British Baluchistan?

(b) If not, are Government prepared to consider the advisability of establishing local boards in British Baluchistan in order to introduce local self-government? If not, why not?

**Mr. H. A. F. Metcalfe:** (a) There are no District Local Boards in British Baluchistan.

(b) It is not considered advisable to establish Local Boards in British Baluchistan. The system is not regarded as being suitable to Baluchistan which is a country of immense distances sparsely populated by a nomadic people mainly pastoral in occupation.

**Mr. Lalchand Navalrai:** Will the Honourable Member kindly say what the public opinion there is with regard to District Boards and Local Boards?

**Mr. H. A. F. Metcalfe:** My information comes from the Local Administration which is presumably in touch with local opinion.

## EXPENSES ON THE OTTAWA DELEGATION.

1270. \***Mr. Nabakumar Sing Dudhoria:** Will Government be pleased to state:

- (a) the respective amounts drawn by way of (1) monthly allowance, (2) daily hotel allowance, (3) outfit and voyage expenses, by each of the Indian members of the Delegation to the Ottawa Conference;
- (b) the respective amounts drawn by way of (1) monthly allowance, (2) daily hotel allowance, (3) outfit and voyage allowance, by each of the British members of the Delegation to the Ottawa Conference;
- (c) the date from which and the date up to which each member of the Indian Delegation was allowed those allowances;
- (d) how much was expended on the Secretariat staff; and
- (e) whether there was any Indian on the Secretariat staff?

**The Honourable Sir Joseph Bhore:** A statement giving the information, as far as it is available at present, is laid on the table.

*Statement showing allowances of members of the Indian Delegation to the Imperial Economic Conference, Ottawa, and expenditure connected with the Secretariat Staff.*

(i) *Monthly allowance.*

*Non-officials.*—(Personal compensatory allowance at the rate of £100 a month)—

	£	s.	d.
Sir Padamji Ginwala, from 9th May, 1932 to 19th September, 1932.	437	10	6
Mr. R. K. Shanmukham Chetty, from 4th May, 1932 to 31st August, 1932.	453	13	1
Seth Haji Abdoola Haroon, from 1st June, 1932 to 31st August, 1932.	363	6	8
Sahibzada Abdus Samad Khan, from 15th June, 1932 to 19th September, 1932.	316	13	4

*Officials.*—(Pay)—

Sir George Rainy (Pay at 3-4ths of Rs. 4,000 less 10 per cent.) from 17th May, 1932 to 22nd September, 1932.	853	19	8
Sir George Schuster (Pay at 3-4ths of Rs. 6,666-10-8 less 15 per cent.) from 18th June, 1932 to 19th August, 1932.	719	14	9

(ii) *Daily Hotel allowance and voyage expenses.*

Information as to the actual amounts drawn by each Member as daily hotel allowance and voyage allowance and the periods for which these were drawn is not yet known as payments were made by the High Commissioner for India in London but the rates, admissible to all Members alike except where otherwise stated, were as follows :—

Compensatory daily allowance of 25 shillings to each Member, except Sir George Schuster whose allowance was fixed at 16s. 8d., for days spent on duty in London;

First class return passages and a voyage allowance of 15 shillings a day for the voyages from London to Canada and back; and

An allowance of 2½ dollars a night in Canada.

First class return passages were also granted to such members as travelled from India to London and back.

(iii) *Outfit allowance.*

An outfit allowance of £37-10-0 was paid to Mr. R. K. Shanmukham Chetty.

(iv) *Expenditure on the Secretariat Staff.*

Exclusive of the pay and allowances of the Secretary and Expert Advisers, the total expenditure on the Secretariat staff was £1,069-18-4. There was no Indian on the Secretariat Staff as in order to save passage and other expenses from and to India no staff was taken from this country.

## PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir Alan Parsons** (Finance Member): I present the second part of the Report of the Public Accounts Committee dealing with the Railway Accounts of 1930-31.

## Report of the Public Accounts Committee on the Accounts of 1930-31.

### PART II.—RAILWAY ACCOUNTS.

#### Position as regards estimating.

1. The following table compares the original estimates made before the beginning of the year, the revised estimates prepared near its end, and the actual results :—

				(Lakhs of Rs.)		
				Budget.	Revised.	Actuals.
(1)	Traffic receipts (less refunds)	.	.	107,75	95,00	95,10
(2)	Miscellaneous receipts	.	.	1,75	1,78	1,73
(3)	Working expenses	.	.	70,18	67,30	67,46
(4)	Miscellaneous expenditure	.	.	62	69	68
(5)	Surplus profits	.	.	1,22	1,15	1,16
(6)	Interest charges	.	.	31,40	32,76	32,72
(7)	Surplus (+) or deficit (—)	.	.	6,08	—5,12	—5,19
(8)	Contribution to general revenues	.	.	5,74	5,74	5,74
(9)	Payment to (+) withdrawal from (—) Reserve	.	.	34	—10,86	—10,93

2. The large differences between the Budget estimates on the one hand and the Revised estimates and final actuals on the other are due to the fact that the former were based on hopes of normal conditions with a moderate increase in both passenger and goods traffic, hopes which were completely falsified as a result of the continuance of the economic depression. Compared with the revised estimates, the actual receipts were only Rs. 5 lakhs more and the actual expenditure Rs. 12 lakhs more with the result that the deficit on the working of railways during the year was more by only Rs. 7 lakhs. But as pointed out by the Director of Railway Audit, this favourable result has been brought about by two counterbalancing divergencies referred to in paragraphs 46 and 47 of his Report. On the whole we share the feeling of the Director that there has generally been no improvement in the position in 1930-31 over that in 1929-30.

**Position as regards control of expenditure.**

3. The following table compares the final voted grants with the expenditure against those grants :—

(Lakhs of Rs.)					
	Original grant.	Supple- mentary grant.	Final grant.	Actual expenditure.	Excess + Saving —.
<i>Expenditure charged to revenue.</i>					
1. Railway Board . . .	12·90	·15	13·05	13·39	+·34
2. Inspection . . .	2·50	..	2·50	2·37	—·13
3. Audit . . .	17·75	..	17·75	16·24	—1·51
4. Working expenses, Administration.	13,88·50	..	13,88·50	14,07·20	+18·70
5. Repairs, Maintenance and Operation . . .	41,10·25	..	41,10·25	38,22·12	—2,88·13
6. Payment of surplus profits .	1,22·00	..	1,22·00	1,16·30	—5·70
9. Appropriation to Depreciation Fund . . .	13,25·00	..	13,25·00	13,06·53	—18·47
11. Miscellaneous expenditure .	17·30	..	17·30	17·45	+·15
12. Appropriation to Reserve Fund . . .	33·95	..	33·95	..	—33·95
14. Strategic lines . . .	1,63·75	7·95	1,71·70	1,73·37	+1·67

*Expenditure charged to capital and Depreciation and Reserve Funds.*

7. New construction . . .	4,98·00	..	4,98·00	4,23·24	—74·76
9. Open line works . . .	11,49·00	..	11,49·00	8,74·03	—2,74·97
10. Appropriation from Depreciation Fund . . .	8,50·00	50·00	9,00·00	11,39·59	+2,39·59
13. Appropriation from Reserve Fund . . .	..	10,85·99	10,85·99	10,92·35	+6·36
15. Strategic lines—Capital .	25·00	..	25·00	20·51	—4·49

4. The non-voted appropriations sanctioned by the Government of India and the expenditure against those appropriations are given below :

(Lakhs of Rs.)					
	Original appropriation.	Supple- mentary appropriation.	Final appropriation.	Actual expenditure.	Excess + Saving —.
<i>Expenditure charged to revenue.</i>					
1. Railway Board . . .	3·20	·41	3·61	3·57	—·04
2. Inspection . . .	2·00	·06	2·06	1·96	—·10
3. Audit . . .	1·95	—·18	1·77	1·63	—·14
4. Working expenses, Administration . . .	43·50	—1·10	42·40	43·60	+1·20
5. Repairs, Maintenance . . .	1·50	—·46	1·04	·97	—·07
11. Miscellaneous expenditure .	4·20	7·77	11·97	11·29	—·68
14. Strategic lines . . .	3·85	·17	4·02	3·85	—·17



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	Original appro- priation.	Supple- mentary appro- priation.	Final appro- priation.	(Lakhs of Rs.) Actual expendi- ture.	Excess + Saving —.
<i>Expenditure charged to capital.</i>					
7. New construction . . . . .	2.00	—·03	1.97	2.00	+·03
8. Open line works . . . . .	1.00	—·48	·52	1.14	+·62
15. Strategic lines . . . . .	..	—·05	—·05	—·05	..
Interest on Debt . . . . .	30,04.06	1,34.39	31,38.45	31,33.96	—4.49
Interest on Capital contributed by companies . . . . .	1,36.12	1.42	1,37.54	1,37.59	+·05

5. We give in paragraph 7 below the reasons for the excesses over voted grants which require the vote of the Legislative Assembly. The number of excesses, which was six in the year under report, compares unfavourably with the numbers in 1929-30 and in 1928-29 which were four and three respectively. The excesses over non-voted appropriations numbered four in 1930-31 against five in 1929-30 and two in 1928-29. The percentage of individual excesses, votable and non-votable, varied from .03 per cent. to 2.83 per cent. under heads of expenditure charged to revenue and from .58 per cent. to 118.70 per cent. under capital heads.

As regards savings, they varied from .14 per cent. to 23.93 per cent. under individual heads the biggest savings occurring under the Capital grants, 7, 8 and 15. Taking the total railway expenditure, both voted and non-voted, there was a saving of Rs. 2.98 lakhs or 2.83 per cent. under expenditure charged to revenue and a saving of Rs. 1.14 lakhs or 4.39 per cent. under Capital expenditure. The position in this respect compares as follows with the last two years :

<i>Expenditure charged to revenue.</i>				
(excluding appropriations to and from the Reserve Fund.)				
Year.	Final grant and appropriation.	Savings.	(Lakhs of Rs.) Percentage of Col. (3) to Col. (2).	
(1)	(2)	(3)	(4)	
1928-29 . . . . .	98.67	—44	.45	
1929-30 . . . . .	101.55	—66	.64	
1930-31 . . . . .	1,05.11	—2.98	2.83	

<i>Expenditure charged to capital.</i>				
(including expenditure met from the Depreciation Fund.)				
1928-29 . . . . .	39.50	—55	1.39	
1929-30 . . . . .	45.03	—3.08	6.84	
1930-31 . . . . .	25.74	—1.14	4.39	

We have no doubt that the financial stringency which manifested itself during the year and which has not yet disappeared has forced on the railway administrations a much more rigid control of expenditure than might otherwise have been exercised. If, as we are assured, this control is maintained without relaxation, the stress and strain of the present period will at least have had the result of raising the general standard of financial control on all railways. We shall deal in later paragraphs with certain handicaps under which the present system of control of expenditure works and the remedial measures proposed.

**Excess over voted grants.**

6. We now proceed to deal briefly with the excesses over voted grants, which require regularisation by excess votes of the Legislative Assembly. The excesses are as follows :—

Item No.	No. of grant.	Grant.	Amount voted by the Assembly.	Excess.
			Rs.	Rs.
1	1	Railway Board . . . . .	13,05,000	34,327
2	4	Working expenses, Administration . . . . .	13,88,50,000	18,70,248
3	10	Appropriation from Depreciation Fund . . . . .	9,00,00,000	2,39,58,961
4	11	Miscellaneous . . . . .	17,30,000	14,960
5	13	Appropriation from Reserve Fund	10,85,99,000	6,36,160
6	14	Strategic lines . . . . .	1,71,70,000	1,67,449

7. The individual items of excess are explained below :—

*Item 1.*—The excess was mainly due to higher printing charges than were contemplated when the revised estimate was framed.

*Item 2.*—The excess, which occurred mainly under contribution to the Provident Fund and gratuities, was due to the extension of the benefits of the Provident Fund to workshop staff and to the payment of extra gratuities on retrenchment.

*Item 3.*—More than two-thirds of the excess is attributed to unexpected adjustments in rectification of transactions incorrectly accounted for in previous years and the balance was due to exceptionally heavy carry-forwards from the previous year.

*Item 4.*—The excess was the result of a number of small variations in a miscellaneous collection of sub-heads.

*Item 5.*—The excess reflects the extent of the variation of the financial results of the year from anticipations.

*Item 6.*—Heavier freight charges for fuel purchased at the end of the year to replenish stock chiefly accounted for the excess.

8. We recommend that the Assembly should assent to the excess grants detailed in paragraph 6 above.

**Reappropriation not made in accordance with prescribed rules.**

9. Under rule 52 (2) (ii) of the Indian Legislative Rules we are required to bring to the notice of the Legislative Assembly every reappropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department. We give below with our comments the cases brought to our notice by the Director of Railway Audit.

(i) *Distribution of allotments after the close of the year.*—Such distribution is reported to have been made on the South Indian and the North Western Railways. The Financial Commissioner has rightly taken no cognizance in his Appropriation Accounts of the orders of reappropriation which were sanctioned after the close of the year. There are, however, some cases where the sanctions to reappropriation were actually accorded before the close of the

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year but communicated to subordinate authorities only after the year. Although effect has been given to such reappropriation in the Appropriation Accounts, the Financial Commissioner informed us that the Railway Department realised that postponement of reappropriation till towards the end of the year was not conducive to sound financial control and that general instructions had been issued emphasising the importance and necessity of making reappropriations as and when they were required during the course of the year instead of at the end of the year. We do not think that any further action is called for.

(ii) *Reduction of a voted grant.*—The Railway Board issued orders in March 1931 reducing the grant under the head "Appropriation to the Reserve Fund" to "nil", when it became clear that the net results of the year would necessitate a withdrawal from the Reserve Fund. A grant once voted by the Legislative Assembly cannot be withdrawn or reduced and the Financial Commissioner has rightly taken no cognizance of the orders of the Railway Board in his Appropriation Accounts. The position is now correctly understood by all concerned and we have no further observations to make.

(iii) *Utilization of unanticipated credits.*—More than one instance has been given by the Director of Railway Audit where unanticipated credits have been utilized to increase the supply at the disposal of spending authorities. We have already made a recommendation on this subject in the First Part of our Report which we desire to reiterate. No controlling officer should be permitted to utilize, in order to increase his spending power, any unanticipated credits. The Director of Railway Audit has made certain proposals in paragraph 49 of his Report for carrying out this recommendation and the Financial Commissioner has in paragraph 89 of his Review brought out certain intricate points which require settlement in this connection. Subject to the observance of the general principle which we have enunciated, we are content to leave these detailed questions to be settled by the Railway Department in consultation with the Auditor General.

### Comments on matters outstanding from previous reports.

10. *Form of the Appropriation Accounts.*—The Public Accounts Committee of last year suggested certain improvements in the form and presentation of Railway Appropriation Accounts of which the most important were that the appropriation accounts should be accompanied by a general picture of the financial results of the year, a general survey of the state of the financial administration as disclosed by the accounts and an analysis of the results of the scrutiny conducted by the Railway accounts department as part of the internal check of Railway accounts. It was intended that the material compiled in this fuller form should be available to the Director of Railway Audit before he wrote his report, which was thus to be complementary to and based on the material supplied by the Financial Commissioner. In pursuance of these recommendations we have been furnished with a Review of the Appropriation Accounts prepared by the Financial Commissioner and a Summary of the working results of all Railways prepared by the Chief Commissioner of Railways and the Financial Commissioner. We are satisfied that, subject to what is stated below, our requirements in regard to the information as regards railway receipts and expenditure and the facilities for financial control have been fully complied with.

11. Owing to the fact that the Public Accounts Committee held its session unusually late last year and the Appropriation Accounts had reached an

advanced stage of preparation by the time the Committee's recommendations were actually made, it has been found possible to furnish the two reviews referred to in the previous paragraph only after the publication of the Appropriation Accounts in the old form and after the Director of Railway Audit had issued his report. The result has been that, as pointed out by the Auditor General, the Director's Report has on the present occasion not taken into account all the material furnished by the Financial Commissioner and therefore lacks the full value it should possess. Another incidental disadvantage has been a certain amount of duplication in the presentation of the results. We realize that the summary of the working results of railways cannot be made available earlier than September each year but we do not see any reason why the Financial Commissioner's review of the financial administration as disclosed by the Appropriation Accounts should not be prepared in time for use by the Director of Railway Audit. It is only a question of the convenient adjustment of the dates and we are glad that the Financial Commissioner has at our instance undertaken to endeavour to send his appropriation accounts with his review to the Director by the middle of April so as to enable the latter to submit his report to the Auditor General by the middle of May. We thus hope that in future years it will be possible to eliminate the minor defects in procedure noticed in the current year and that the report of the Director will as a result be greatly simplified.

12. The Public Accounts Committee of last year commented on the absence in the Railway Appropriation Accounts of an analysis of the results of the audit scrutiny conducted by the Railway accounts department as part of its internal check of railway accounts. A somewhat similar observation was made in respect of the presentation of the results of the audit scrutiny of military works expenditure carried out by the Military accounts department. We were informed both by the Financial Adviser, Military Finance, and by the Financial Commissioner of Railways that the discovery of irregularities was only a small part of the duties of the separated accounts department, that their more important duties lay in preventing, rather than in discovering, irregularities and overpayments, and that if the analysis was intended to be an estimate of the efficiency or otherwise of the internal check conducted by the accounts department, material for this could most easily be found in the results of the independent check conducted by the test audit staff which are presented in the reports of the respective Directors. We agree in this view which is also shared by the Auditor General and we recommend that the present practice, under which the scrutiny of irregularities and the selection and presentation of those deemed sufficiently important to be published is placed in the hands of an independent audit authority, should be continued. What is required is a pooling of the discoveries of the two agencies, the accounts department and the test audit staff, and a scrutiny of the material so collected to see, for instance, whether it indicates any general tendency which should be checked or any defect in rules or procedure which should be corrected. We consider it essential that the accounts departments both on the Railway and Army sides should place at the disposal of the test audit staff all material in its possession showing its activities connected with internal audit scrutiny and that, in particular, it should communicate to the test audit staff all irregularities at an early stage of their detection, so that the latter may be enabled to perform its functions satisfactorily and to present to us and to the legislature as accurate a picture as possible of the state of the financial administration of the two largest departments of the Central Government.

13. *Form of the Director's Report.*—Our predecessors also suggested some improvements in the form of the report of the Director of Railway Audit.

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Agreeing with these suggestions the Auditor General instructed Mr. Badenoch to investigate along with the possibilities of retrenchment in the Railway Audit Department the directions in which test audit could be more usefully directed and how the form of presentation of the results of the test audit could be improved. We have been furnished with a copy of Mr. Badenoch's report. We discussed the proposals made therein with the Auditor General and we may state our conclusions under three broad headings :—

(i) *Proposals regarding the extent and the direction of test audit of railway transactions.*—We considered these proposals from the point of view of financial control by the legislature and we were assured by the Auditor General that except for the fact that the Director's report prepared under the proposed plan would be somewhat less broadly based than at present, there would be no appreciable diminution in the information and the facilities now supplied to the Committee for the purpose of its scrutiny of the railway accounts. We were also anxious to know whether the proposed limited audit was sufficient to perform satisfactorily the true functions of test audit, that is to say, whether it would secure that the accounts of railways were sufficiently checked by the Auditor General's staff so as to discover if there was anything seriously wrong with the financial administration of railways. We were informed by Mr. Badenoch that one of the principles underlying this proposal was that the whole field of railway transactions must be covered by the test audit but that after a careful examination of all classes of transactions he had proposed different percentages of test audit for different transactions, keeping in view the necessity of fixing the percentages so as to allow the audit department to judge fairly well the efficiency of the financial administration of railways as a whole. We express our general agreement with Mr. Badenoch's proposals subject to a definite limitation that if at any time the Auditor General considers that the amount of check applied by the test audit staff to any particular class of transactions is insufficient, the fact that we have now agreed to the reduction of the scope of test audit should in no way debar him from immediately coming up for increasing its scope and if necessary, increasing the staff for this purpose.

(ii) *Proposals as regards the method of presentation of the results of test audit.*—In effect these proposals would, in the opinion of the Auditor General, enable the Director to present to the Committee the same type of report as it has received this year, probably with certain improvements consequent on the changes which have already been agreed to in regard to the presentation of the appropriation accounts by the Financial Commissioner and further improvements which would result from the adoption of certain other proposals mentioned in the next section of our report. We accept the general proposals made by Mr. Badenoch without, however, desiring to bind the Director exactly to the details given in his report.

(iii) *Proposals for retrenchment.*—We do not wish to express any opinion on the individual proposals made by Mr. Badenoch. While leaving them to be dealt with in the ordinary way, we have asked to be furnished in due course with a statement of the actual action taken on these proposals. We, however, desire to emphasise that in our view the scope for retrenchment in Railway Audit is limited and in view of the volume and complexity of Railway transactions any drastic attempt at retrenchment may involve risks, which can not be lightly undertaken.

14. *Railway electrification schemes.*—The Public Accounts Committee last year desired that the financial effects of electrification on various railways should be scientifically studied by the Railway Board. The Director of

Railway Audit has made a laudable attempt to get at the results of working of the Bombay electrification schemes. The Railway Board has also furnished us with a valuable memorandum on the subject. So far as the Chola Power House is concerned, both the Railway Board and the Director agree that the Power House is actually working economically and efficiently and that the increase in the cost per unit is due to the fall in traffic consequent on the present exceptional depression. So far as the main line electrification schemes are concerned, unlike the Power House separate capital and revenue accounts have not yet been prepared and there is no clear-cut division of the transactions between the electrified schemes and the steam-driven part of the undertaking. Feeling that it is important that some comparison of results with estimates should be made as soon as possible and should be included in the report even if only approximate accuracy is attained, the Director has made his own assumptions in regard to the allocation of receipts and expenditure between the two systems and has put them forward for consideration by the Committee and the Railway Department with a view to arriving at some conclusion regarding the best method of apportionment of the figures. We have not had the time to examine the bases of the various assumptions which could be satisfactorily settled only after thorough discussion between the Railway Department and the Auditor General. The real value of the enquiry is to enable a comparison to be made of the present cost of working of the electrified system with what it would have cost in a normal year if there had been no electrification and steam had been employed, and the real question is whether the assumptions to be made are sufficiently accurate and are not too numerous to make any comparison of practical value. Having made this clear, we have left it to the Railway Department and the Director of Railway Audit to discuss the bases of the various assumptions and to furnish to the Committee a joint note next year as to the possibility of reaching some general agreement regarding the methods of calculation and the desirability of pursuing further the line of enquiry adopted by the Director in his report on the accounts of 1930-31.

15. *Other outstanding recommendations.*—We have considered the explanations furnished and the action taken in regard to the various outstanding recommendations from previous years and enclose as Annexure to our report a statement showing the items whose final disposal has to be watched through the quarterly list of outstandings prepared by the Finance Department of the Government of India.

### Comments on matters arising out of the accounts for 1930-31.

16. *Certain handicaps in the existing system in regard to control of expenditure.*—

(a) *Form of Demands and Expenditure Abstracts.*—Our examination of the accounts has revealed certain serious defects in the existing system of railway accounts which make it difficult for the administrative authorities to keep the expenditure within the scope and limit of the individual demands voted by the Legislature. The classification of expenditure represented by the Demands for Grants does not follow the classification of expenditure in the initial working accounts, on which current control by the administrative and executive authorities is presumably based. The difficulties inherent in the present system are lucidly set forth in paragraph 23 of the Director's Report and Mr. Badenoch has suggested that probably the ideal arrangement would be to frame a separate grant for working expenses for each railway. We have examined this question very carefully and we do not recommend any alteration in the structure of the main demands for grants against which

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the Controller of Railway Accounts conducts at present his appropriation audit for all railways taken together, as in our view this arrangement is suitable for purposes of discussion in the Legislative Assembly. We, however, entirely agree with the Director of Railway Audit that it is imperatively necessary that the arrangement of the working accounts and the sub-divisions of the Demands should correspond so that administrative and executive authorities may have no difficulty in carrying out the wishes of the legislature. Having laid down the principle, we leave the details to be worked out in mutual consultation by the Railway Department and the audit authorities and reported to the Committee in due course.

17. (b) *Separate demands for strategic lines.*—Another difficulty which has been referred to by the Director of Railway Audit relates to the presentation of two separate demands for revenue expenditure for strategic railways and for the Railway system of which they form part. Expenditure on the whole system is booked in one set of accounts and only a small portion of it is capable of direct allocation to strategic lines. The rest of the expenditure is distributed between strategic railways and the main system according to certain formulæ. We were informed that the major part of the control of expenditure on strategic railways could only be exercised through the general measures of control over the main system and that the expenditure against the existing separate demand for strategic railways is not really controllable. It is admitted that as under the present convention the loss on strategic railways is chargeable to general revenues, there should be a separate account prepared of the transactions of these railways. We think the legislature will be satisfied if this information about the working results of strategic lines is given in a separate appendix to the Demands for Grants and, subject to this being done, we recommend that the separate demand for grant for strategic lines be done away with.

18. (c) *Control of capital expenditure on open line works and expenditure from depreciation fund.*—The Director of Railway Audit has also suggested that it would be more satisfactory from all points of view if the two Grants, Nos. 8 and 10, relating to capital expenditure on open line works and expenditure from the depreciation fund, respectively, were combined in one grant. In the words of the Financial Commissioner of Railways “the present division is utterly futile for the purpose of control of expenditure, for once a work is started it is only the total amount of expenditure that can be controlled; it is not possible to control the depreciation fund expenditure separately because the total amount chargeable to the fund is a fixed amount and not subject to any control by any authority whatsoever, being the original cost of the work; nor can the expenditure in a particular year be controlled because while the total expenditure is susceptible of increase or reduction by a variation in the rate of progress of the work, the distribution of this expenditure between capital and depreciation fund cannot: it is fixed according to the allocation in the estimate. Finally, while the works programme shown in the Pink Books shows the distribution between capital and depreciation fund under each item of work, the total expenditure under Demand No. 10 is distributed under the various sub-heads corresponding to Demand No. 9—Appropriation to the Depreciation Fund, that is, the various classes of railway assets. One result of having separate grants for expenditure from capital and expenditure from the Depreciation Fund is that in many railways it has often happened that necessary adjustments between capital and Depreciation Fund have been postponed, because the administration fear that the grant under depreciation may be exceeded if the necessary adjustment

was made. For the purpose of control of expenditure, the total expenditure on the work is even now the main criterion, but the two demands have been kept separate because of the different sources from which funds are provided." We agree entirely with this criticism and recommend that the two Demands be combined into one with effect from next year.

19. We do not think that it will be possible to give effect to the recommendations in paragraphs 16 and 17 in the accounts and estimates of next year. We have therefore suggested that we should be supplied next year with skeleton forms of Demands for Grants, Appropriation Accounts and Working accounts prepared on the basis of our proposals and that we should be given a final opportunity of expressing our views on those forms before they are actually introduced in 1934-35.

20. *Further simplification of the form of the appropriation accounts.*—We have also considered in this connection certain suggestions made by the Financial Commissioner for simplifying the present form of his Appropriation Accounts. Taking the accounts of 1930-31, they begin with a synopsis of the causes of variations in regard to each sub-head and continue to explain in separate addenda to the appropriation accounts the details in regard to individual railways. These addenda cover considerably more than half of the publication and are reported to have involved a considerable amount of labour. The Financial Commissioner has proposed that in future each railway administration should prepare its own appropriation accounts which would be placed before the Public Accounts Committee as addenda to the main Appropriation Accounts and that the compilation of the Financial Commissioner of Railways would only furnish the summary explanations for all railways taken together under the respective sub-heads. As pointed out by the Auditor General, the pink books of Demands presented to the Assembly have no counterpart in the appropriation accounts and the suggested arrangement, while conforming to orthodox doctrine on the subject, should prove economical as regards labour and probably cost. We have, therefore, no hesitation in accepting these proposals, especially as they mean no reduction in the information given to the Assembly.

21. *Efficiency of internal check conducted by the Railway Accounts Department.*—Subject to our comments below, we agree with the Director of Railway Audit that the work of the internal check authorities has been generally satisfactory. The fact that numerous irregularities are brought to notice year by year in the Director's report does not necessarily indicate weakness in internal check but rather illustrates its vigilance.

22. *Chief accounts officers and their use as financial advisers.*—The Director of Railway Audit has observed that there is room for improvement in the relations between the accounts and executive authorities and although we were assured that this was the main objective of the scheme of a separated accounts department on railways and that this objective was being gradually attained, we found both in regard to control of expenditure and the various cases of frauds and irregularities noticed in the Director's report that sufficient use had not been made of the chief accounts officer as the principal financial adviser of the railway administration, and that this lack of complete liaison between accounts and executive offices was particularly felt in connection with relaxations of agreements with contractors which were permitted by engineering officers. We are glad to note that the Railway Department has issued instructions to all railway administrations emphasising the necessity for close co-operation between accounts and executive officers and of scrutinising most carefully in consultation with the financial adviser of the administration, viz.,



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the Chief Accounts Officer, all payments to contractors not admissible on a strict interpretation of the terms of the contract.

23. *Inspections of railway offices by the accounts department.*—According to the Report of the Director of Railway Audit several account offices found it difficult during the year to work up to their programme of inspections. We were informed that this was due to lack of requisite staff but that a combined effort was being made as an *interim* arrangement during the current year by the accounts and audit offices to cover the ground as far as funds permitted. We think that it is highly desirable that arrangements should be made for the inspection of all railway offices by the officers of the accounts department at reasonable intervals. The advantages of periodical inspection, particularly an occasional surprise inspection, have been impressed by the Railway Department on both accounts and administrative offices.

24. *Maintenance of capital and revenue accounts of buildings on railways.*—One important defect noticed by the Director of Railway Audit in his Report relates to the want of reliable and complete capital and revenue accounts of residential buildings and the difficulty in their absence of railway administrations giving effect to the declared policy of Government in regard to the provision of quarters on State Railways. We were informed by the Financial Commissioner that instructions have already been issued (in March 1931) that except on two Railways, the Burma and the Great Indian Peninsula Railways, capital and revenue accounts of residential buildings should be prepared and maintained by classes of buildings (*viz.*, those in which rents are pooled) with effect from 1931-32. The Burma and the Great Indian Peninsula Railways had been permitted to postpone the introduction of these accounts for one year. As regards the East Indian Railway where the state of the registers was reported to be very unsatisfactory, we understand that the position has since considerably improved and that the preparation of the rent schedules has been completed and that these schedules are being checked by the Chief Accounts Officer.

25. *Contracts—(a) Call for tenders.*—We are grateful to the Director for bringing to our notice the fact that there is a most marked divergency between railways in regard to calls for tenders before works are given out on contract and that the system is practically non-existent on several important railways. The fundamental principles in regard to this matter were enunciated by the Government of India in the Finance Department as long ago as August 1929 in a Resolution issued in pursuance of certain recommendations made by the Public Accounts Committee. Copies of this Resolution were endorsed to the Railway administrations by the Railway Board in September 1929 and detailed instructions on the subject were promised at the same time. We understand that these instructions are now ready for issue and in fact we were given by the Financial Commissioner an opportunity of looking into and criticising the draft rule dealing with the system of calling for tenders. We recommend that the general rule should provide that tenders shall be called for in all cases where works are given out on contract except where, for reasons which shall be recorded and communicated to the Chief Accounts Officer, the Agent decides that it is not practicable or advantageous to call for a tender.

26. *(b) Relaxation of agreements.*—A number of cases of such relaxation have been brought to our notice by the Director of Railway Audit. We must confess that we do not see eye to eye with the railway administration in regard to the equity of certain payments mentioned in the Report and made outside the terms of the original contracts. For example, the higher payment in one

case has been sought to be justified on the ground that the contractor who accepted the original rate in the contract had had no previous experience of the work, that the higher payment had been claimed immediately after the commencement of the work when the difficulties were realised and that even the higher rate, according to the Chief Engineer of the particular railway, would not have left to the contractor any margin of profit. We do not think that the railway is concerned with the profit or loss to the contractor who should be left to take the risks as well as the expected profits. In our opinion departures from the strict letter of the agreement could normally be justified only in those instances where, for example, strict insistence on the terms of the contract would lead to the contractor resiling from his contract and the result would involve large expenditure to Government in the long run. Each case would require expert financial advice. We are glad to note that definite instructions have now been issued that the higher administrative authorities on each railway should judge impartially each case of departure from the original terms of the contract and not agree to any proposal to vary the terms of a contract resulting in additional expenditure without consulting the Chief Accounts Officer of the railway as their financial adviser.

27. (c) *Proper form of contract.*—A fruitful source of overpayment is the absence of written agreements for contracts, both originally and in regard to subsequent modifications. Verbal contracts are still common in spite of numerous instances of nugatory expenditure to Government entailed thereby and brought to notice in the report of the Director of Railway Audit from year to year. We note that the Railway department have now issued strict instructions emphasising the necessity—

- (i) of settling, before a work actually let out on contract is commenced, the terms on which it is let, and of expressing these in the form of a contract drawn up where necessary on legal advice ; and
- (ii) if and when necessity arises to modify such terms, of reducing these modifications to writing in proper form.

28. *Over-capitalisation on railways.*—The Director of Railway Audit has touched on some aspects of over-capitalisation on railways in paragraphs 208 to 213 of his Report and has made a few suggestions for counteracting this tendency, the feasibility of which the Financial Commissioner has undertaken to examine. The Auditor General has drawn our particular attention to the very wide questions of general principle raised in the following sentence in paragraph 213 of the Director's Report :—

“ . . . . the growth of railway capital under a system by which all differences between replacement cost and original cost and all betterments are charged to capital, while the increasing total of the capital account is not checked through any scheme of amortisation, would seem to render advisable an early re-examination of the separation convention.”

He has added that it is a matter of immediate importance that Government should take steps to reach a decision about the rules which should govern in the future the allocation between revenue and capital, expenditure on renewals and betterments, amortisation of railway debt, and so forth. We agree with the Auditor General that an early settlement of the permanent basis on which Works expenditure should be charged to Capital, to the Depreciation Fund and to Revenue is desirable ; for it seems to us that, whatever

[Sir Alan Parsons.]

the future arrangements for the administration of Railways may be, this question will have to be settled before the financial effect of the new arrangements can be ascertained. We recommend, therefore, that it should be taken up immediately.

29. *Regularisation of expenditure on a 'new service'.*—Before we conclude we should refer to an important question relating to the regularisation of expenditure on "a new service", classified as 'new service' by the Public Accounts Committee *ex post facto* long after the expenditure had been actually incurred. The procedure that was originally proposed to be adopted by Government is explained in the orders quoted below *in extenso* :

"During the currency of the year, expenditure upon a new service not contemplated in the budget of that year, has to be covered by a specific vote from the Legislative Assembly. This vote has to be for the full amount of the expenditure if no savings exist to meet it, *vide* rule 50 (1) (ii) of the Indian Legislative Rules. When funds to meet the expenditure can be made available by re-appropriation, a demand for the grant of a token sum only may be submitted to the vote of the Assembly under proviso to the same rule.

"After the close of the year, rule 49 of the Indian Legislative Rules provides for the presentation of demands for excess grants. This rule is expressed to apply 'when money has been spent on any service.....in excess of the amount granted for that service'. These words clearly postulate that some amount has been granted for the service on which excess expenditure is incurred and consequently have the effect of excluding the case of expenditure on a new service from the operation of that rule. It is clear, however, on a comparison of rule 49 with sub-rule (1) of rule 50, that the omission to provide in rule 49 for the case of expenditure on a new service is in the nature of a lacuna. As it is not considered worth while to propound an amendment of the rule at this juncture, it has been decided to treat rule 49 as applicable in the case of expenditure on a new service and to apply the rule in such cases as though it contained a proviso corresponding with the proviso to sub-rule (1) of rule 50 of the Indian Legislative Rules."

At our instance the proper procedure to be followed in such cases was discussed by our Chairman with the Hon'ble the President of the Legislative Assembly. We agree with their conclusion that under the Government of India Act the action must be regularised by obtaining the formal approval of the Legislative Assembly to the whole expenditure and that in future, if there be any case of new service in the appropriation accounts of a year, the usual form of the Resolution for taking the report of the Public Accounts Committee into consideration should be expanded so as to include "and that the Assembly do approve the expenditure of Rs.....on.....".

30. We append to our report minutes of the proceedings which we consider should be considered as part of the report. We assume that in accordance with the established practice action will be taken by the Department as necessary on the observations and recommendations contained in those paragraphs.

31. We wish to express our appreciation of the valuable services rendered to us by our Secretary, Mr. Aravamudha Ayangar, both during our sittings and particularly in the preparation of the minutes of our proceedings and of this Report.

A. A. L. PARSONS.

B. DAS.

ABDUL MATIN CHAUDHURY.

M. A. AZIM.

M. C. RAJAH.

ISM'U'L ALIKHAN.

S. C. MITRA.

MOHAMMAD YAKUB.

J. RAMSAY SCOTT.

R. D. DALAL.

V. K. ARAVAMUDHA AYANGAR,

(Secretary.)

[Sir Alan Parsons.]

32. The non-official members of the Committee desire to record their appreciation of the ability, energy and tact with which the Chairman conducted its deliberations. His wide and intimate knowledge of different branches of financial administration has been of valuable assistance in expediting the work of the Committee.

B. DAS.

ABDUL MATIN CHAUDHURY.

M. A. AZIM.

M. C. RAJAH.

ISMAIEL ALIKHAN.

S. C. MITRA.

MOHAMMAD YAKUB.

J. RAMSAY SCOTT.

R. D. DALAL.

*Dated the 15th November, 1932.*

**ANNEXURE.**

(Referred to in paragraph 15 of the Report.)

(A) *Recommendations outstanding from previous years.*

(1) Issue of rules regulating the custody and relinquishment of railway lands and buildings (Item 77 of Appendix I).

(2) Continuance of the special rates and concessions for Military traffic obtained by the Military Department from the Railways (Item 80, *ibid*).

(B) *Our Recommendations in the current Report.*

(1) Submission of a statement of the actual action taken on the proposals for retrenchment made by Mr. Badencch in his report dated 26th April 1932 [Paragraph 13 (iii) of the Report].

(2) Submission of a joint note by the Railway Board and the Director of Railway Audit as to the possibility of reaching some general agreement regarding the methods of calculation and the desirability of pursuing further the line of enquiry regarding the financial results of Railway electrification schemes adopted by the Director in his Report on the accounts of 1930-31 (Paragraph 14, *ibid*).

(3) Report of the detailed action taken in pursuance of the principle laid down by the Committee regarding correspondence between the arrangement of the working accounts abstracts and the sub-divisions of the Demands (Paragraph 16, *ibid*).

(4) Supply to the Committee of skeleton forms of Demands for Grants, Appropriation Accounts and Working accounts prepared on the basis of Committee's proposals (Paragraph 19, *ibid*).

(5) Settlement of the question of the permanent basis on which Works expenditure should be charged to Capital, to the Depreciation Fund and to Revenue (Paragraph 28, *ibid*).

(6) Supply of certain information regarding railway advertisements given to newspapers (Paragraph 3, Proceedings).

(7) Necessity of laying down some procedure as soon as possible calculated to obviate the present delays in the apportionment of joint station expenses between railways (Paragraph 46, Proceedings).

(8) Submission of a report on the extent to which it is found feasible to adopt the various suggestions of the Director of Railway Audit made in paragraph 28 of his Appropriation Report for 1930-31 with a view to expediting the submission of monthly accounts (Paragraph 63, Proceedings).

## THE CRIMINAL LAW AMENDMENT BILL.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the motion that the Bill to supplement the Criminal Law, as reported by the Select Committee, be taken into consideration, and the amendments moved thereon.

**Diwan Bahadur T. Rangachariar** (South Arcot *cum* Chingleput; Non-Muhammadan Rural): Sir, I have given the subject of this Bill my most anxious consideration, and I may say at once that I fully appreciate the point of view of the Honourable the Home Member in putting forward this Bill for the acceptance of this House.

This is the first time that this House is called upon to endorse the principles underlying a Bill of this sort. It is, therefore, up to us to examine the principles with care and anxiety before we commit ourselves to the Bill, because the declared object of this Bill is to suppress the civil disobedience started by the Congress.

So far as I recollect, the civil disobedience began with the Congress on account of the introduction of the reforms under which we are now working. Diarchy was condemned by them and they refused to have anything to do with it; that is how the non-co-operation movement began, and following that, civil disobedience came in its wake.

We must take care that we do not commit the same blunders—when I say “we”, I am also speaking on behalf of the Government, I consider myself a part of the Government in this country—we must take care that we do not commit the same blunders as we did in forcing down the throats of the people the diarchical system. Now, Sir, nobody comes forward to support the diarchical system of Government, and they all recognise that it was a great blunder which was made. They are, therefore, busy making a new form of Government, and I hope it will be satisfactory to the people. At a time like this, we have to examine the situation carefully. When you are going to introduce, I hope, a popular form of Government which will be liked by the people and which will be worked by the people, it is up to us not to irritate the people. You must create an atmosphere, if it is not impossible, in order that they may be in a position to receive the reforms heartily and work them willingly.

This measure, which is before the House, is bound to produce irritation in the minds of the people. Unless, therefore, a case of absolute necessity is made out, I do not think that this House will be justified in sanctioning such a measure. It will be unwise from many points of view to do that. Undoubtedly the Ordinances were enacted by His Excellency at a time when there was emergency. I think it is admitted on the part of Government that the movement has been brought under control, if not extinguished already. I think the Government may well congratulate themselves on the results achieved so far. What they have to satisfy us about now is, whether the same necessity exists now for this measure as existed in the beginning of this year. I think the Government are not advancing any such argument in support of this measure. They consider it will be wise precaution to keep this weapon in their hands in case the civil disobedience movement shows signs of revival or rather intensive activity in the future. It all depends upon what form of Government we are going to get. If the form of Government is going to be satisfactory to the people and we want the co-operation of the people very much, it is far

better not to have this weapon in our hands and threaten them by saying "Either you like the reforms we are going to give you, or we have this weapon to suppress you". That is how I read the object of this measure. That ought not to be the attitude of a wise Government. You cannot continue to govern the people against their will. You may do so for a time. You cannot be guarding your houses with police constables in front and behind as Honourable Members opposite are obliged to do. You cannot shut the public roads in order to enable His Excellency the Viceroy to move about freely. That is an unhappy state of things which we must do everything in our power to remove. His Excellency is obliged to travel by air in order to avoid the expense of having police guards every half a furlong. Why should that be so? Is statesmanship wanting? How long are you going to continue this state of affairs? That is the question I ask the Government to put themselves. I do not deny there is some justification for some, at any rate, of the provisions contained in this Bill. Justification is one thing, but the necessity for the same is quite different. There is, on the part of Government, unfortunately, a growing distrust or rather irreverence for the rule of the law. We are brought up in the rule of the law, and what does it indicate—security of person and property, equality in the eyes of the law of all persons and resort to ordinary laws and ordinary procedure. All that is sought to be done away with by this measure now before the House. You want Special Magistrates, special procedure without liability to account for excesses on their part. That is the sort of weapon which the Government want to arm themselves with. I have heard a good deal about oriental despotism and continental methods of administration, but we want British institutions, not continental administration or oriental despotism. The measure now before the House smells of both. They have borrowed their weapon from the continent. They have imbibed their spirit from oriental despotism from their association with the East. What is it that they are doing now? You are demoralising yourself, you are demoralising the people, and you are demoralising your officers. A thirst is being created for extraordinary arbitrary power. It is just like drink evil or any other thing which you may indulge in. Once the taste is created, it is difficult to eradicate that. It is far better that we do not begin to indulge in such things. Has the ordinary law been honestly tried? The terrorist movement is quite a different thing. I have heard some Honourable Members refer to the terrorist movement in this connection. That is dealt with separately. This Bill does not touch it. There is another fact which we have to remember. So far as direct action is concerned, I find the Local Governments are taking steps to arm themselves with special measures to deal with local conditions. I see that has been done in various provinces, in Bengal, in Bombay, in the United Provinces, and also in the Punjab and the Frontier also, I am told. Local evils, such as they are, are being combated by measures which are passed in the local Councils. Here we are asked to clothe the Central Government and other Local Governments with reserve powers.

There are certain provisions to which one need not take exception, for instance, the attempt to dissuade the people from entering the military or the police service. My only objection to it is that it is unnecessary and uncalled for. I do not think the evil is so great, but, however, Government may be in possession of facts; but the other clauses of the Bill are pernicious, vicious in principle, they are mischievous enactments.



[Diwan Bahadur T. Rangachariar.]

That is how I view the question. Although the Ordinances were not intended to suppress the ordinary political life in this country, the way in which they have been worked in various parts of India has really suppressed even legitimate national movements. It is very difficult to get up meetings. The so-called moderates and liberals are afraid to come out and even to speak about local grievances. The depression in the political atmosphere is unprecedented. I remember the anti-partition agitation days. I remember the Tilak days. I never found the political depression so intense as it is today. It is hardly possible to get up meetings. People are afraid to give expression to their views. You want frank expression of our views. It would not do to live in Delhi or in the heights of Simla and say everything is all right and smooth. Yes, things appear calm on the surface. You have got what Lord Irwin called the calm of the desert. Is that what you want? Don't you want your people to be self-reliant, to be manly, self-respecting, so that they may take and enjoy the new reform movement. I want the Government to consider this aspect of the case.

These weapons that you are going to give to your officers will be used not so much by the Civil Service, as by the policeman. The policeman in this country is not an ideal person. Notwithstanding all the encomiums which unfortunately my friends on the opposite

12 Noon. Benches are obliged to shower upon the police in season and out of season, it is one of the misfortunes they are labouring under: they have to praise the police and they have to praise the military, because they depend upon them for their very existence. Sir, is that the way a Government is to be carried on—to be at the mercy of the police, and to have to commend them in season and out of season? It is all very well to say: "Oh, yes, you have got your right of complaint against excesses". Sir, the remedy, whatever it is, is tardy, unwilling and quite out of proportion to the offences committed. You have not Thompsons such as we got in Madras to take speedy and swift notice of all errors on the part of the magistracy or the police. Sir, this remedy is a very tardy recognition of the grievances of the people against the police. You cannot have a remedy in the Courts against excesses, and the departmental remedy is meaningless, absolutely ineffective. It takes months and months before they investigate, and, after all, what is the investigation? Behind the back of the complainant, the District Magistrate or the District Collector makes an inquiry and makes a report and the Home Member stands in his place in the local Council and tries to defend them as much as he can. That is the real state of things. We, who live with the people, know it. You are not in a position at all to know what is going on. Sir, the spirit is being killed, the national spirit is being killed. We see it with our eyes open, day by day, day in and day out. It is all very easy for my Honourable friends of the European Group to say what they like. They are lovers of liberty, lovers of liberty of the person, of security for property and of freedom of talk and of freedom of the press. These are all their birth rights. These are not guaranteed to you by any constitution. It is there in your very blood and you carry it with you wherever you go, and any attempt on the part of any Government to trifle with it will be resented by you. I daresay, those of you, who follow the Indian press carefully, cannot help noticing how they avoid free criticism on all controversial topics; they are not able even to report proceedings of

meetings, as, if they do so, their action is construed into an attempt to support the civil disobedience movement. Sir, the leading Indian papers in Madras, which have got a vast influence, when troublesome subjects crop up, what do they do? They write articles on Timbuctoo or Batavian oranges or something of that sort. (Laughter.) They avoid the subjects which intimately concern the people; they are afraid to write! That, Sir, is the spirit that has been instilled into the press. Sir, is that a welcome state of things, I ask?

I do not deny there is some tyranny on the part of the Congress, but I refuse to associate them with any murders or any violent campaign, or things happening in Bengal which your inefficient police is unable to trace. Sir, that is going on in Bengal for years and years, and they have tried all these means. Have they succeeded in unearthing these plots? They come from somewhere, nobody knows from where and they go on merrily. I do not blame the Indian Executive. The Executives all over the world are naturally desirous of power, arbitrary power. They are anxious to use their power, thinking that, by that means, they will be able to kill the movement, but that is a mistake. Statesmen recognise it, they recognise that it is always a mistake. Sir, I consider this measure vicious in principle, uncalled-for in certain respects and—what I dread most from past experience,—most mischievous in its effects. Well, it may do some good possibly to protect my Honourable friends who spoke in support of the measure against the tyranny of the Congress, but it will create another tyranny. Do my Honourable friends recognise that another tyranny, a more powerful tyranny, more extensive in its effects and more intensive in the mischief it can cause, will thus be brought into being? Government have to recognise these facts. Sir, why not try another course? The Congressman is in a chastened mood, and the acting President, Mr. Rajagopalachariar, is out for the last three or four months, is going about the country. Other people are out; no doubt some people are in; but, on the whole, do not my Honourable friends recognise a change in the mood and in the tone they are adopting in their public activities? Why not give them a chance? Then we shall also do our little bit. But you cripple us in our capacity for inducing them to take a less objectionable course. Now, if we endorse this Bill, what happens? We play into your hands and we give them more material; and when I go and talk to my friend, Mr. Rajagopalachariar, he says: "What is the good of your talking, you are powerless to induce your Government to change their manners. What is the good of your talking to us and asking us to change our manners?" Well, how do you help us to do that, I ask in all seriousness? Is this the way to treat movements of this sort? Sir, it is not. Look at the way property is seized! I know in Madras there was an Exhibition going on under the auspices of the Madras Mahajan Sabha for local exhibits. One fine morning, the police come and take possession of the building—an exhibition in which Indian goods were being exhibited! They confiscated the property. Now, the Government say that the Congress has not been declared unlawful, but the Congress Committees have been declared unlawful. What a fine distinction, I cannot understand. In that way, they seize property, and what is the remedy given even under the Bill modified, as it is, by the Select Committee? No efficacious remedy at all. What is there to show to the District Magistrate or the District Collector who seize

[Diwan Bahadur F. Rangachariar.]

the property that it is not liable to seizure,—how is the man concerned to show that? A committee is declared an unlawful association behind the back of the people, by a Government, a Member sitting in his chambers acting on the report of the District Magistrate, who again acts on the report of the District Superintendent of Police and who again acts on the report of the Deputy Superintendent or the Inspector of Police for the time being. What is the safeguard? Won't you call it robbery if I or you did unfortunately take hold of other people's property without a trial? Is that the sort of security that we are going to enjoy? It is said, the duration of the Bill will be only for three years. Sir, I would not tolerate such a situation for three minutes. Sir, I am so anxious to secure the credit of this country. Sir, we have enjoyed the liberties of the British citizen for so long, and we want to continue to enjoy them and not to have them endangered in the way in which this Bill tries to do. I do not think, Sir, that the situation in the country is so grave as to call for this measure at the present day, whatever may have been the state of things some time ago.

Sir, on these grounds I will ask the House to reject this measure. Let us get on with our ordinary laws. There is no danger in front of us and we are running no risk. We have survived the Congress and we will survive the Congress movement for many a year to come. Let us get into the smooth and peaceful atmosphere. Let us try to win over the co-operation of the people. How are you going to get the co-operation of the people if you irritate them by passing measures of this sort? You will not get it. On the other hand, you will alienate them more and more. That aspect of the question, Sir, I hope, will appeal to the Treasury Benches. They will consider twice, thrice, nay ten times, before they ask this House to accept this measure. Such a measure and such a weapon should not be used. If you once have it in your hands, the temptation will be so great that it will be difficult to resist the resort to it. It is not the six Honourable Members who sit here who will have the control of these things. It is the local deputies; the Deputy Superintendents of Police and the Inspectors of Police who will be in charge of these things. I can appeal to the experience of my Honourable friends, especially the Indian Members in the Executive Council, how these things can be used, abused and ill-used. Excesses, Sir, in the name of law have been many indeed. Will you be surprised to hear, Sir, when I say that the first intimation I had of my having to take part in a meeting was by a notice served on me by the Commissioner of Police, Madras? Myself and Sir C. P. Ramaswami Aiyar, who had just then retired from the Home Membership of the Government of Madras, were in our chambers doing our work quietly and we were told that we were going to take part in a meeting that evening of which we had not the remotest inclination. Sir, that is the way the police work. There is no wonder if people distrust them. Let us do our little bit. I do not mean to say that the Government are not anxious about this measure. They are naturally anxious to help the people, but that is not the way to help them. Sometimes remedies are far worse than the diseases themselves. They want to cure. As I said, just a few minutes ago, you are demoralising yourself and also demoralising your officers who are now guided in their administration of justice by the Criminal Procedure Code. You want them to ignore the provisions of the Criminal Procedure Code. They forget that they are

under the rule of the law. They have now begun to think that they are above the law. That is the spirit which you are engendering in the minds of your executive officers. All this is a source of danger; the risk is too great; the result will be too small. So, considering the matter from every point of view, I will press upon this House, especially the elected Members, not to vote for this Bill. I will press upon the European Group, especially my Honourable friend, Mr. James, who, I know, can go as safely in the heart of the black town as any Indian brethren, not to vote for this Bill. We have often gone together in the streets of Madras without any fear. It all depends upon the situation we create and upon the atmosphere we create. Let Mr. James and his colleagues in the European Group speak as he did on the Nilgiris, only, I think, two weeks ago.

**Mr. F. E. James** (Madras: European): May I remind my Honourable friend that I was stoned by the civil disobedience mob in 1930?

**Diwan Bahadur T. Rangachariar**: Then perhaps you were not the same Mr. James as you are now. That is how I read it. You were then new from Calcutta and they misunderstood you. Now, Sir, I do want to impress this aspect upon the House. This Bill is uncalled for, unnecessary and untimely and I consider it most inopportune just on the eve when you are sending people at a great expense to the Third Session of the Round Table Conference. What is it that they are going to bring and for whom they are bringing it? Is it for the police or is it for the District Magistrates or is it for the people of the country? Do the people of the country count at all or not in your eyes? Are you going to govern them with their sanction, will and co-operation, or are you going to govern them with the will of the police and the Military? That is the direct question I put to the Government. Sir, I consider this measure as vicious, uncalled for and untimely and I would beg of the House to reject it altogether and not resort to the dilatory motion of circulation or a Select Committee. (Applause from Non-Official Benches.)

**Sir Leslie Hudson** (Bombay: European): Sir, I rise to oppose both the amendments which have been moved and so eloquently supported by my Honourable friends to my right. It seemed to me, Sir, that the course of the discussion wandered somewhat from the particular essence of the amendments, namely, firstly, that the Bill should be circulated for opinion and, secondly, that it be sent back to the Select Committee for further consideration. The debate wandered sufficiently for my friend, Mr. B. Das, to deliver most of the speech which he had evidently prepared for the short notice question which he was unable to deliver a day or two ago.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muham-madan Rural): The Honourable Member ought to know that he was speaking on the main motion.

**Sir Leslie Hudson**: And other Honourable Members drifted, if I may be allowed to say so, some little distance from the wording of the amendments.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Chair does not wish to interrupt the Honourable Member when he is making his maiden speech; but the Chair would like to point

[Mr. President.]

out that the discussion which was now proceeding was not only on the amendments, but also on the original motion and the whole subject was before the House.

**Sir Leslie Hudson** I beg your pardon, Sir. Now, Sir, the Mover of the first amendment and several of those who followed him stated with great emphasis that by the Ordinances, only a few of which are embodied in this Bill, Government were terrorising and punishing ignorant people. That is not the fact as Honourable Members are fully aware. The Honourable the Diwan Bahadur has said that Congress are not behind terrorism; the Congress do not stand for murder and violence. The Honourable the Diwan Bahadur must have read the Congress bulletins which have been showered over the land full of incitement to bloodshed, to murder, full of vilifications of the British Government, the British people and not only them, but those innocent people of this land who are crushed under the yoke of the Congress and are afraid to raise their voices. No innocent law-abiding person has any reason to fear the effect of these Ordinances or of this Bill. It is only those misguided folk who have suffered themselves to be carried away by the specious and lying utterances of the Congress, that party which has declared war on the Government of this country and which has preached defiance of its laws in its advocacy of civil disobedience. Well, Sir, war entails the use of weapons by both sides and, against the weapons of disorder and anarchy, it is surely the duty of the other side to arm itself with such weapons of offence as shall secure some measure at least of victory and which shall allow the law-abiding folk the liberties they are entitled to. One of the measures in any kind of warfare is to dispossess the enemy, so far as may be possible, of the sinews of war.

I cannot see that any person or the Editor of any newspaper, who may be guilty of action liable to bring the Government of this country into contempt, can complain when Government take the necessary powers to enable them to make a counter-attack. We have heard, Sir, vehement oratory in defence of boycotting and picketing, both weapons, it has been admitted on the floor of the House, initiated by that party which has declared war on the Government of India. The Congress, I maintain, are equally behind boycotting, picketing and terrorism, and Government are right in taking powers to combat those methods of coercion. My Honourable friend, Mr. Das, raised before the House a picture of so-called patriotic young men and women who have taken part in these acts of coercion and violence. He did not mention the fact that most of the casualties in this campaign have been young persons paid by the Congress party to commit acts which have inevitably led to bloodshed and imprisonment.

The Honourable the Mover of the first amendment and others made the statement that Government, by this legislation, were forcing a measure on the Federal Assembly that is to be, which that body would be unable to repeal owing to the fact that, firstly, the Federal Council of State would be sitting in revision over the new Assembly and would throw out any such repeal, and, secondly, that, so he assumed, the Governor General would exercise his veto. I would suggest that the Honourable Member applies himself to the study of the reports of the two Round Table Conferences which should correct his pessimism in this regard.

Another point made by several Members has been that Government should relinquish the weapon they have in this, so-called, repressive legislation and should settle the war by conciliation. Sir, conciliation has already been tried, and with what effect? In the Presidency of Bombay, it has proved only an incentive to further encroachment by the Congress on the liberties of the subject with a result to the trade of the City from which I come which he who runs may read.

My Honourable friend, Mr. Ranga Iyer, who, as one of my friends said yesterday, had evidently modelled his trenchant oratory on that of Mr. Winston Churchill, or was it that of the late Lord Birkenhead, Mr. Ranga Iyer in the course of his speech stated that he stood for an attitude of goodwill. That most excellent standpoint was, however, somewhat stultified by his statement a little later that the vernacular press of this country was debarred, by the terms of the Bill, from the right which he claimed for it, of stirring up the people. Sir, this stirring up of the people by false rumours and glaring misrepresentation is one of the chief weapons which the Congress Party use to prevent the carrying out by the Government of that law and order which is necessary for the preservation of the lives and liberties of His Majesty's subjects from the highest to the lowest. And the latter, the illiterate and largely non-vocal tillers of the soil and the backbone of the country, are, it will be admitted, the chief objects for the present Government's concern.

Sir, the object of this Bill is to strengthen the ordinary law so as to prevent activities in support of subversive movements which do not come within the letter of the existing Criminal Law. It has been said in this House, on a previous occasion, that the civil disobedience movement in its main activities is the result of a lawyer's study of the defects in the existing law. This Bill goes a certain way, I am not prepared to say all the way, to stop loopholes in the present law of the land. In my opinion, its provisions are not so much repressive as deterrent and are a warning to the misguided section of the public, misguided by the Congress into breaking the law, of what will happen if they persist in endeavouring to make the carrying out of law and order impossible. The history of the vernacular press in the last 25 or 30 years is well known to you, Sir, and to this House and I will not burden you with repetition. I do not propose to give instances, of which there are legion, of objectionable writings by which it has been the object of the Congress to spread disaffection. I will merely say that the existing law is inadequate to deal with the consequences of the decadence of the tone of that press which has come about since the repeal of the Press Act.

One of the worst forms of spreading disaffection—a term which has been described by a well-known Chief Justice as “a feeling contrary to affection, in other words, dislike or hatred”—has been the dissemination by the Congress of false rumours with the object of undermining the loyalty of the army. Soldiers, who are, in the main, simple folk, have been unable to understand the immunity enjoyed by agitators who spent their time preaching against the Government, and by the press whose columns were filled with misrepresentation and false statements calculated to undermine the loyalty of the troops.

Sir, I see no reason for the circulation of the Bill, for its terms are well-known throughout the land and so are the reasons and the necessity of bringing these powers on the Statute-book. My Honourable friend,

[Sir Leslie Hudson.]

**Mr. Lalchand Navalrai**, has stated, with approval be it noted, that the amendments are merely dilatory motions intended by my Honourable friends opposite to inconvenience the Government as far as possible.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): I did not admit that.

**Sir Leslie Hudson**: I think the Honourable Member stated so.

**Mr. Lalchand Navalrai**: I only said they were dilatory; I did not say they were meant to inconvenience the Government.

**Sir Leslie Hudson**: The Honourable the Home Member has already pointed out to the House that objections raised in the Select Committee were given full scope for discussion and these were met by sweet reasonableness by Government, as can be seen by the Bill as it now appears before the House. With regard to the Select Committee, further than to say that I fully support the declaration made yesterday by the Leader of the House, I will not refer to the unfortunate incident which occurred in that Committee. As regards the amendment of the Honourable Member, Mr. Thampan, I think my Honourable friend, Mr. Sen, has dealt with that quite effectually and I hope that the House will throw out both these delaying amendments without further waste of the time of the House. (Applause.)

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Before I go on to deal with the amendments or the main motion which is before the House, I should like to give the House certain facts about which a great deal of misapprehension has been created in the minds of Honourable Members by the Note of Dissent which has been appended to the Report of the Select Committee. I do not want to go into the details of the proceedings of the Select Committee . . . . .

**An Honourable Member**: Why not?

**Mr. Muhammad Yamin Khan**: But as regards one incident which refers to me personally, I wish to make a personal explanation. I think it was not fair and proper on the part of some Honourable Members to have said something of the nature of half-truths. If they wanted to say anything at all, they ought to have told the whole truth and nothing but the truth.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): On a point of order, Sir. Is it or is it not a fact that you were pleased to rule yesterday that whatever transpired in the Select Committee should not be discussed on the floor of this House.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): That is the convention and it has to be respected by the House. But as so much has

already been said in regard to what happened in the Select Committee, the Chair desires to take this opportunity of explaining what the position of the Select Committee is. The procedure laid down in regard to legislation requires that the Bill should come to the House in the first instance. If the House agrees to the principle embodied in the Bill, they may refer it to a Select Committee for the purpose of saving the time of the House and facilitating consideration at a later stage. The Select Committee tries to reconcile the differences of opinion which may have prevailed at the time the Bill was under consideration of the House at the initial stage, and help to expedite public business. But it is only a reporting committee to assist the House in dealing with legislation. The supreme authority in regard to all these matters is the House itself, and if any differences of opinion remain unadjusted in Select Committee, Honourable Members can make minutes of dissent and appeal to the House for final adjudication. If these points are borne in mind, that differences of opinion in the Select Committee are not material so far as the passage of legislation is concerned, that the supreme authority in all such cases is the House itself, and that the House, when appealed to, will give careful consideration to every thing which may be brought to its notice before giving its final decision, much of the feeling that seems to exist and much of the discussion which has taken place can be avoided.

**Mr. Muhammad Yamin Khan:** Sir, I saw the secrets of the Select Committee as they appeared in the press from time to time with great regret, and it was pointed out even in the Select Committee that anything that took place in the Committee should never get out, because it was a confidence reposed in the members which should be respected. But, unfortunately, that trust was betrayed and, somehow or other, certain proceedings of that Committee were reported in the press. It should not have been done, specially because they were not full reports and all members would not have agreed to them. It was sheer propaganda of some members to get cheap popularity among the public. And the whole Committee agreed, at a certain stage, that no report should appear in the press, and if any report did appear, your protection would be sought against the paper which published these reports. As far as the press was concerned, I would have taken no notice of it, because it was a matter between the public and the whole House. But the House is possessed of a note of dissent which gives a totally different colour to the thing as to how the proceedings of the Committee were conducted and, it is only fair that the House should know the other side also. I will confine myself only to what concerns myself and leave aside the other incidents. On the 24th October, when the Committee met for the first time, I made a personal request that there should be no meetings on the afternoon of the 25th and 27th, because I had to go to Meerut to decide a communal question which vitally affected that city and which was left to my decision. Some members were of the opinion that there should be no afternoon meetings at all. This request of mine was accepted unanimously, and, on the 25th, there was no meeting in the afternoon. But there was an anxiety on the part of the Chairman of the Committee that the business should be finished within the time given by the House. On the 26th, I again requested that there should be no meeting on the afternoon of the 27th and a suggestion was made to me that as there



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was a likelihood of a division on a particular clause which I was anxious to retain in the Bill and there was opposition from the other side . . . .

**An Honourable Member:** What do you mean by "other side"?

**Mr. Muhammad Yamin Khan:** I will explain to the walk-out Members if they will listen to me.

It was suggested to me that there was an Honourable Member who was anxious to go on account of a festival, and, as there was a different point of view, I made an offer that if he was willing not to vote on a particular clause on Thursday afternoon, I would not vote the whole day on Friday on which he wanted to be absent. When he was not willing, there was an Honourable Member who told me that he was willing to see that there was no voting on Thursday afternoon at all. When I came up on the 27th in the morning, that very Honourable Member, who had given me a guarantee that there would be no voting on the afternoon of the 27th, backed out and said that he thought I was referring to the next week, that is, November. That gentleman having backed out, I again made my request to the Chairman. I stuck to the request which I had made in the beginning and to which he had acceded. And the Chairman, in deference to that, as he had given—and it was also pointed out that other members of the Committee also wanted to go on some business, that was postponed; and it was not only conceded to me it was conceded to others also which the Honourable Members have not put it down that it was only in deference to Mr. S. C. Mitra's wish alone that he did not want to sit on Friday, while all other members were willing that the Committee did not sit on that day . . . .

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I did not want any postponement. I did not expect any consideration for this.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Is it desirable to go in such minute detail into what happened in the Select Committee? The Honourable Member may, if he wishes to offer a personal explanation, make a brief reference to it; the Chair has listened to the Honourable Member on the subject for a considerable time and trusts that in view of the position explained by the Chair he will not be so elaborate.

**Mr. Muhammad Yamin Khan:** I only made this point, Sir, that whatever consideration was shown was not shown to particular members—it was shown to other members also; and to put it down that it was shown to any particular member, it is not fair and proper. Another point which has been made and which, I would like to show, is that it has been suggested that the Committee was so divided that there was a Government party and there was a non-Government party. I protest very strongly against the insinuations which have been made in this note; they are very malicious . . . .

**An Honourable Member:** You are protesting too much.

**Mr. Muhammad Yamin Khan:** . . . . and they should not have come from any member who wanted to be fair and who wanted to . . . . .

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): I rise to a point of order. I have listened with very great patience to the very elaborate explanation which has fallen from the Honourable Member. If the Honourable Member persists, I think it will be your duty, Sir, to appoint a Committee of this House to inquire into the allegations made by my Honourable friend and traversed by the Honourable gentlemen on the opposite side, so that this House may be in possession of all the facts and in the meantime the business which we have got to do from day to day should be suspended.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair fails to see what the point of order is.

**Sir Hari Singh Gour:** The point of order is, if the Chair would allow a long and elaborate explanation on the part of Mr. Yamin Khan, would the Chair also allow an elaborate counter explanation on behalf of the gentlemen who wish to traverse any one of his statements?

**Mr. S. C. Mitra:** Certainly.

**Sir Hari Singh Gour:** In order to give the House all the facts, will you, Sir, appoint a Committee to go into the facts stated by one side and controverted by the other, so that that Committee may report as to which side is telling the truth and, in the meantime, the main business we have before this House be suspended?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member has still failed to satisfy the Chair that he has raised a point of order. The Honourable Member has made a suggestion which cannot be construed as a point of order. The Honourable Member is aware that when the Chair felt that the Honourable Member in possession of the House was a little too elaborate in his explanation, the Chair asked him not to go so elaborately into that aspect of the question. That was done only a couple of minutes before the Honourable Member thought fit to rise to the point of order. I have again to point out to the Honourable Member that it is desirable that the happenings of the Select Committee should not be dealt with so elaborately by any Honourable Member and that the motion and the amendments now before the House should now be discussed if he wishes to do so.

**Mr. Muhammad Yamin Khan:** Sir, one point which I wish to draw the attention of the House is this, that when it is suggested that this Bill be recommitted to Select Committee, it is a futile suggestion, because the Select Committee went through this very carefully and the Bill has been so much modified, according to the desire of the House, that there is no necessity of recommitting it to any other or the same Select Committee. It has not been so much modified that it should go back for circulation because the public opinion can be reflected here by the Honourable Members who are themselves the representatives of the

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public; and they are in full possession of the facts and of the criticisms which have been levelled against this Bill. This is obvious by the very report and by the very changes which have been made in the Bill and which any Member can see by one glance, that all this matter which has been printed in italics, these are the changes which have been made in the Select Committee. Now, what are these changes? The foremost and the greatest objection to the Bill, as it has been originally introduced, was this that it sought to make a permanent law and sought to put on the Statute-book. No lawyer Member of the House was willing that any modification of the Indian Penal Code and of the Criminal Procedure Code which is the permanent law of the country should be allowed in the shape of the Bill as it was introduced at Simla. Now a glance at the Bill will show that it has been modified very carefully, that these provisions of this Bill are going to be no longer a part of the Indian Penal Code or of the Criminal Procedure Code. That was the Government's desire; and there was another desire on the Opposition side that these provisions should not form part even of the temporary law. As is quite clear from one passage in the note of dissent of certain members, their point of view was—they say:

"It may also be noted here that since those words were uttered, there has been no such material change in the situation that the ordinary criminal law of the land has not been able to meet it."

Further on, they say:

"The civil disobedience movement is only a means to an end. The object is to attain self-government rapidly."

Now, there was a difference, a fundamental difference in the opinions and the guiding principles of the two sides of the House. One side thinking that there was no necessity of any future legislation to meet a situation as has been created in the country; and the Government thinking that there was a necessity to meet these circumstances in such a way that it was not only desirable to place on the Statute-book temporarily, but the permanent law should be changed in order to meet this situation whenever it arises in the future. If these two irreconcilable principles were present in the minds of Honourable Members and if no party had agreed to yield, then there would have been two reports here. But what do we find? A *via media* has been adopted. These provisions do not find a place in the Statute-book permanently, nor have they been left out altogether. It was clear from the debate at Simla that the House was willing to concede those powers to the Government to meet the abnormal situation, because it was admitted that abnormal powers were needed to meet an abnormal situation, and those powers have been retained only to meet the abnormal conditions, and as it was thought that these abnormal conditions would remain till the new reformed constitution came, it was considered necessary to fix this period of three years. There are certain Members in the House who think that even three years is a very short period and the situation is likely to remain unchanged for at least five years. On the other hand, there are others who think that one year or even six months would be more than enough, but it was decided that three years should be fixed. This is a very important amendment which has been

made by the Select Committee, and it has been made only in accordance with the views expressed by certain Members at Simla. One fact, however, cannot be denied, and it is this, that the House had adopted the principle of this measure by a huge majority, the like of which never happened before in the life of this Assembly,—the majority was 64 as opposed to 32. Now, when that was the wish of the House, it can never be ignored, and it has to be carried out; they accepted the principle of the Bill.

Then there are other important changes which have been made and to which the Honourable the Home Member has already alluded, and I need not allude to them again. A reduction has been made in the sentences, as suggested by some Members, there has been a material change in regard to imprisonment for non-payment of fine, payment of son's fine, and so on. Another important change is about the protection sought to be given to Indian princes, which has been taken out by the Select Committee. There are many other changes made in the Bill, and I do not propose to go into all of them.

Now, coming to the question whether there is any necessity or not for this measure or whether this Bill should be absolutely thrown out as has been suggested by my friend, Diwan Bahadur Rangachariar, unfortunately my friend was not present at Simla when the debate took place on this measure . . . . .

**Diwan Bahadur T. Rangachariar:** I have read the whole of it.

**Mr. Muhammad Yamin Khan:** If he had been present, he would have been convinced about the necessity of this Bill. I do not know what are the circumstances that exist in the distant part of the country of Madras from which he comes here. It is far far away from the turmoil which is rampant in the North . . . . .

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): It is the benighted Presidency.

**Mr. Muhammad Yamin Khan:** I do not know whether the Congress movement is so strong there. (*An Honourable Member:* "There is plenty of it there.") I do not know if the civil disobedience movement exists there in such great intensity as it exists in the north. I do not know if he is aware of the calamities that have been caused to thousands of people who have been murdered in Cawnpore. I do not know whether my friend is in touch with the incidents that took place in Bombay. I do not know whether he knew about the murders of zamindars that took place in Allahabad district as a result of the civil disobedience movement, and creation of class hatred, and also in the districts of Aligarh and other places. I do not know whether he is aware of all these incidents or whether he merely wants to shut his eyes to all these incidents—I am not sure about it,—but if my friend had lived in places, where these things are almost a daily occurrence, where the life of the people, who do not see eye to eye with the Congress people, is never safe, if my friend had lived in these parts, I am sure, he would have changed his views absolutely.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muham-  
madan): Take him to that place.

**Mr. Muhammad Yamin Khan:** If he had come to these places where wordy quarrels lead to bloodshed, he would certainly have changed his views. He comes unfortunately from a country where it would take an immense effort to excite the people to come to blows. (Laughter.) Therefore, he cannot see or realise the gravity of the situation in these parts. There are places where murder is committed merely to acquire the name of a martyr, there are places in India where mere excitement leads not only to verbal quarrels but which mean ruin to thousands of families as happened in Cawnpore recently. My friend says that peaceful picketing and peaceful persuasion should not be prohibited. May I ask, whether it was peaceful picketing or peaceful persuasion at Cawnpore that led to the ruin of thousands of people, or was it violent non-co-operation?

**Diwan Bahadur T. Rangachariar:** Is there no law to prevent all that?

**Mr. Muhammad Yamin Khan:** If there is somebody to set fire to the house and nobody at hand to quench the fire, what can be done? What my friend wants to do is, he wants to set fire to another person's house and he says—has the Municipality not got a fire alarm or a fire brigade? Is that the position you take? You want to set fire to the House and you want to blame the Government, because they come a little late to extinguish the fire. Is that the position that my friend wants to take? He says, it was peaceful picketing and peaceful persuasion. For his information I might say that it was peaceful picketing and peaceful persuasion on account of Bhagat Singh day, on which day, as a protest, my friend walked out from this House that led to all this disaster in Cawnpore. It was the so-called peaceful picketing that led to all these calamities that so many have been killed in the streets of Bombay, and so many have been murdered from day to day.

**Diwan Bahadur T. Rangachariar:** Does my friend know what is meant by confusion of ideas?

**Mr. Muhammad Yamin Khan:** If my friend has any idea about conditions in the North, I am sure, he will realise the situation. No man, who has any regard for the good of his country or the progress of his country, can shut his eyes to all these happenings; these things are hardly creditable to any country, and they will never be a credit to India. These are the things which hamper the progress of this country. These are the things

which are the real cause of bringing forward this Bill. My  
1 P.M. Honourable friend said that he had a talk with the Congress leaders, and that he was blamed by them, because he could not persuade the Government to come to some agreement. The Honourable Member ought to have made this reply that it was their deeds, it was their behaviour in the country, that was making him not to have any voice in the Government, and it was they who were responsible for this Bill. This is a present given to them simply on account of those deeds. If they had left the people to follow their own ways, if they had not tried to impose their will on people who did not share their opinions, then there

would have been no necessity at all for such a measure as this, and there would be no support for such a Bill if the Government brought it forward in this House. (Cheers from Government Benches.) Government are getting support, because people are not left alone to have their own way. I ask, has picketing ever been peaceful? Can you show me any example where there has been peaceful picketing in this country? I have never heard of such a thing as peaceful picketing. Although it may have started as peaceful picketing, it never ended as peaceful picketing. I may be strong in my language, but I do not want to mince matters. I still hold that there can be no peaceful picketing, and if any kind of so-called peaceful picketing is allowed by Government, Government only will be blamed by thousands and thousands and millions and millions of people in this country. My Honourable friends may think in one way, but there are other people who may think in a different way. My Honourable friends may be advocates of one class of people, but there are people who differ from them. We may have advocates of different communities, different ideas, different classes of people, and they have got to see that they are left alone. If everybody is left alone, there will hardly be any gentleman who will get up and say that he wants to support this Bill. If my Honourable friend will take the message of this House to the President of the Congress that he should mend his ways and stop all this nonsense, then this Bill will become a dead letter, it will die a natural death.

**Diwan Bahadur T. Rangachariar:** I will take the message if you give it, and drop this Bill.

**Mr. Muhammad Yamin Khan:** This Bill has been dealt with exhaustively in Simla and there is no further necessity of going into the same question. After all, my Honourable friend was the only man who took up a new position, and he started the same old theory after knowing full well that the House had accepted the Bill, and it is only the amendments which we have to consider in this House, and there can be no question as to whether it should be rejected or not. Although there can be no voting, the House has declared its views and those views remain there.

**Mr. B. V. Jadhav:** Is the House debarred now?

**Mr. Muhammad Yamin Khan:** My Honourable friend can give his opinion three times if he wants to, I have got no dispute with him. But my Honourable friend should not have any dispute with me either. My views are these. I think there is a necessity that this Bill should be passed. It should be taken into consideration and should be passed as it has emerged from the Select Committee.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. The House will now adjourn till a quarter past two.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

# RESOLUTION *RE* TRADE AGREEMENT SIGNED AT OTTAWA.

**Sir Hari Singh Gour:** Mr. B. Das, one of the Members who were appointed by this House to serve on the Ottawa Agreement Committee has tendered his resignation as he is going away. I beg to substitute the name of Diwan Bahadur Harbilas Sarda.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair understands that the Honourable Member wishes to ask the permission of the House to substitute the name of Diwan Bahadur Harbilas Sarda in place of Mr. Das resigned.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): I think the resignation should be tendered to the Chairman of the Committee. I have received no resignation.

(At this stage the Secretary of the Assembly handed over the letter of resignation to Sir Joseph Bhore.)

**The Honourable Sir Joseph Bhore:** Personally I have no objection.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I take it that no one objects. The change is allowed.

## THE CRIMINAL LAW AMENDMENT BILL—*contd.*

**Sir Abdur Rahim** (Calcutta and Suburbs: Muhammadan Urban): Mr. President, the justification of the Bill, from his point of view, was very candidly put by the Honourable Member, Sir Leslie Hudson, who said that there was a state of war and, therefore, it was justifiable on the part of Government to ask for and utilise any weapon it chooses in order to wage war against the Congress. I only wish, if this be war, that the civilised European nations had learnt to wage war on these principles instead of killing millions of people and wasting the energies and the resources of the whole world. If they confined themselves to peaceful efforts or civil efforts, in order to dissuade each other or any particularly refractory nation from carrying out its policy, it would have been a better position for the whole world.

Let us examine this position from that point of view, for that is the point of view, I take it, of the Government. The Government say that the Congress is the only powerful political organisation in this country, that they alone can deliver the goods and, so long as they do not give up certain items of their policy, Government are entitled to enact any laws, however wide their general application and however oppressive they may be to the ordinary citizen. Sir, many of us on this side of the House do not belong to the Congress and do not subscribe to their policy or to many of their methods. Our standpoint is this, that we should not have any sort of law which is calculated to suppress the liberty of the people generally and, I submit, there is nothing in the circumstances of the country which entitles the Government to bring in a measure of this sweeping character. I do recognise that some improvements have been effected in the original Bill,

but the Bill in substance remains the same and the Honourable Member in charge of it made it very clear at the outset, when he moved for the appointment of a Select Committee, that he would not accept any amendment in the Committee which would reduce the Bill to a pale shadow of its original self, as he put it, and deprive the Government of the substantial powers which they wanted to secure by this measure. Mr. Haig said that the original Bill, as drafted, was a wise measure, but he says now that the Bill, as it has emerged from the Select Committee, is a reasonable measure. I hope he will enlighten the House as to the distinction between the two. Does he want to convey that what is wise is not reasonable and what is reasonable is not wise? I say that there is really no real distinction between the original draft and the present Bill. The two are identical in all substantial respects. Then the question is, whether the Honourable Member, who knows, none better, how to put forward his case, has made out a case for the acceptance of the measure by this House. Our fundamental objection has been that the present law is sufficient to meet any movement or manifestation of any movement, as the Honourable the Home Member would call it, civil disobedience or terrorism. I may pause here and point out that, manifestation of a movement as an evil to be remedied by penal legislation is a new phraseology. I have not seen it hitherto in any law. Perhaps the Honourable the Law Member will be pleased to enlighten us whether the word "Manifestation" occurs in any law. We are familiar with the phrase "overt act". We are familiar with the word "attempt", with the word "intention", but "manifestation" is too sweeping a word to define the scope of penal statute. The point I made, when I opposed the motion for Select Committee, was that we have got in the Criminal Procedure Code and in the Penal Code and other enactments now in force, for instance, the Police Act and the Emergency Press Act, all that is needed to meet such unlawful and undesirable activities of the Congress or any other body or person which you want to check. I listened with attention to everything that was said by the Honourable the Home Member in justification of this measure, but I failed to notice anything in his speech which showed or which attempted to show that the present law is insufficient to meet any evil which they wanted to combat. That was the point we tried to make and hitherto it has not been answered by anybody.

What do Government want? Take, for instance, the Congress. As I have said, many of us do not belong to that organisation at all. And, certainly, I have no sympathy with many of its activities. They want to suppress not only certain activities, but almost the entire Congress organisation. By what means? I take it, by shutting up members of the Congress in jail. Now, I venture to point out that Government do not want any special law for that purpose. The ordinary laws are quite sufficient. It is the very propaganda of the Congress to fill the jails, as much as possible, to create public opinion against this Government by showing to the world that, in order to suppress the political liberties and activities of the people, the Government have locked up so many citizens of India and so many persons who are keenly interested in the political advancement of India. That has been their programme throughout. It is their professed programme. Then, why do Government want this Bill? It cannot be, I say, to suppress the Congress or to suppress any of the activities of the Congress. It must be for some other ulterior purpose. What is that ulterior purpose? Sir, the Honourable the Home Member has told us that he has



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consented to a very great improvement of the Bill by limiting its operation to a period of three years. No doubt to that extent the Bill has been improved. Then, he says: "We are going to hand over the reins of Government". I do not know, I did not quite catch, to whom? But, I suppose that, at any rate, he meant to convey "to the representatives of the people". Otherwise there would be no force in that suggestion. Now, if that is going to happen, if that is going to result from the labours of the Third Round Table Conference, and if that is going to be embodied in an enactment of the British Parliament, then I ask, what would prevent the Congress from coming in at once and repealing this measure? Supposing the new constitution comes into force in the course of a year—which, the papers say, is possible. Then, in that case, in the course of a year, the Congress may come in and repeal the entire measure. Is there any satisfaction to be derived by the Government from a proposal of this character? I ask the Government, why stultify yourselves? Supposing the Congress does not choose to come in, other men may come in who are condemning this Bill. If we are going to have responsible government, then they will also act in a similar way like those who are opposing this Bill now. They are not going to change their attitude. Then, what do Government gain by it? I ask the Honourable the Home Member to give me an answer to this question in his reply. "What is the gain?". Sir, we put this question. If he told us what really was at the back of the minds of the Government, we would have considered it far more seriously than we are at present inclined to do. The position, therefore, is this. We find that Indian public opinion is opposed to this measure, and that is the admission of the Honourable the Law Member himself. I mean the Home Member.

**The Honourable Sir Brojendra Mitter** (Law Member): If by "public opinion" the Honourable Member means "Congress opinion", certainly that is opposed to it. But public opinion is not confined to the Congress.

**Sir Abdur Rahim**: Sir, I am not inclined to accept the claim that the Honourable the Law Member or his colleagues on the Treasury Benches are the exponents of public opinion (Hear, hear), or even my friend, Sir Leslie Hudson. Do they claim that,—that they are the exponents of public opinion? Then, why do they contemplate any change of Government? (Laughter.) Sir, the whole position taken up is inconsistent and untenable,—unless Government are so excited by the activities of the Congress and so angry at what they are doing or what they threaten to do that they really do not know what they are aiming at. Sir, I have very great respect amounting almost to awe for the shrewdness and foresight of the British diplomats in India and I do not think that they would bring in a futile measure. I do not think they would have brought in this measure if really their intention was to hand over the government to a responsible Legislature, to the representatives of the people. Sir, the policy embodied in the Bill is perfectly plain. They want, for instance, British trade to be protected by prohibiting any sort of activity which may be considered to lead to a boycott. That is one object. Then, the other is to strengthen the hands of the executive, to place the executive above the operation of law, to give the executive a discretion which, under the ordinary law, is only given to the judiciary. They want really to substitute the discretion of the executive authority—not only of the Government but

also of public servants—in place of law. That is the whole purport of this Bill, the chief object of the Bill. If that is so, then I do not accept for one moment the suggestion that they really want to arm the executive of the future, if it is going to be responsible to the people themselves, with powers of this character, which they themselves did not possess all these 150 years. Sir, it is impossible for any one who really goes deeply into the matter to accept the proposition of the Government at its face value. We have to analyse the position carefully before we can place a Bill of this character on the Statute-book even for three years or even for one year. I do not propose to go through all the provisions of the Bill, but I will satisfy myself with referring only to some of its leading provisions, but, before I do that, let me put one question to my Honourable friend, Mr. Yamin Khan. Sir, he can only see the Congress before his eyes and nothing else. That is his misfortune. If he took a wider view, if he turned his attention . . . .

**Mr. Muhammad Yamin Khan:** No, Sir. I see Chittagong and the attack on Sir Alfred Watson and other activities also.

**Sir Abdur Rahim:** Then I want to ask him to answer categorically this one question: does he want the Ahrar movement to be treated in this way? Does he want the Jamiat-ul-Ulema to be suppressed? Does he want the Red Shirts of the North-West Frontier Province to be suppressed? Does he want them all to be treated, as they have been treated under the Ordinances or the Frontier Regulations.

**Mr. Muhammad Yamin Khan:** Anything, Sir, which hinders the progress of the country.

**Sir Abdur Rahim:** Does he want the Jamiat-ul-Ulema, the Ahrar movement and movements of that character to be suppressed? That is my question. I know he cannot answer this straight question. Sir, when the motion was before the House for the reference of this Bill to the Select Committee, I ventured to inquire of the Government whether they had any statistics, figures or information to give us as regards the number of men who had been actually dissuaded from joining the army or the police force or the air force or any other force maintained for purposes of defence. Sir, I have inquired of some of the Members of the Select Committee and I find that even in the Select Committee no such figures and no such information was forthcoming. I grant that some members of the Congress, and perhaps some Ahrars, and perhaps some Red Shirts, and perhaps some members of the Jamiat-ul-Ulema have tried to persuade people not to join the present army.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): The Red Shirt movement is the Congress movement and a similar legislation has been passed in my province by the majority of elected members.

**Sir Abdur Rahim:** My friend comes from the Frontier and I am sure he will answer to the Red Shirts when the occasion arises. Sir, no such information has been supplied. Many people have their own views and they may persuade others to accept their views. Do Government mean to say that that is enough justification for them to enact provisions of

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this character? In that case, people will not be allowed to talk at all. Now, that disposes of, in my opinion, this part of the Bill, unless the Honourable the Home Member can supply information to this House as to how many men have deserted the army or the police force and how many men have been dissuaded from joining those forces. Has the strength of the army or the police at all been diminished in consequence of it? If not, then, I submit, there is no justification . . . . .

**Major Nawab Ahmad Nawaz Khan:** The Garhwal Rifle was intimidated in the Frontier Province.

**Sir Abdur Rahim:** Now, I come to the next clause which relates to boycotting of public servants. Well, Sir, of all classes of people, it seems to me that the public servants, those Indians who have the good fortune or honour to be public servants, are in a more comfortable position than the rest of the people. I put this forward as a general proposition and I believe no one will challenge it. Boycotting of public servants has really no significance. There may be isolated cases. Some individuals, who are public servants, might have been put to inconvenience, because some landlords did not want to let their houses to them or because certain persons who were asked to supply them provisions would not do so. Public servants alone are not liable to be put to occasional inconvenience like that. Many of us who are not public servants have been put to inconvenience of that character. We cannot get whatever we want. And then look at the nature of the weapon placed in their hands. It was pointed out by Member after Member in this House on the previous occasion that it is a weapon which, in the hands of all sorts of public servants, is liable to gross abuses and, who does not know how grossly powers like these are liable to be abused? We have to look a measure of this character from all points of view, from its probable consequences and not merely the mere words. You have got to look to the machinery and to the actual men who will have to work this law. If we do that, then I say that a provision of this character, however carefully worded, is liable and is certain to be grossly abused. The inconvenience, which it is sought to save, is really infinitesimal compared to the abuse to which it is liable. It may become the engine of extortion and blackmail by a certain class of unscrupulous public servants and, I would submit, that there is nothing in this Bill which effectually safeguards the public against such abuses.

I now come to the next clause relating to the dissemination of contents of proscribed documents. Now, supposing a man cites a certain passage at a public meeting from a proscribed book in order to condemn it, the language is so wide that he may be brought in under its operation. While I do not deny that the Select Committee did their best to improve the Bill, yet the Honourable Member in charge of it wants all these drastic provisions, provisions which are much too sweeping and which are likely to hit the ordinary peaceful citizens.

Then, Sir, I come to peaceful picketing as it is called. The word "picketing" is not used here. The language is wide enough to cover not only picketing, but any other acts which have nothing whatever to do with picketing. Is not that so? The language is wide enough to cover acts which do not amount to picketing. Sir, as regards peaceful picketing, there may be differences of opinion, but there can be no

difference of opinion as regards a clause of this character which hits at persons who are not picketing at all. It is perfectly true that no one wants to be molested in any way. If, for instance, some one is loitering about my house to molest me, I would not like it. But, is it possible even for a Government like the Government of India to see that no one is molested in any way? It happens every day, but you cannot prevent it. Then, what is the good of having a provision of this character? Either it will be useless for practical purposes or it will give a handle to persons who have a grudge against a particular person to wreak their vengeance on him.

Then, I come to clause 8 which gives power to order a parent or guardian to pay fine imposed on young persons. I am not sure that there are not principles of law which might justify a parent being fined or rather having to pay compensation for any act done by minors in their charge. But the point as regards this clause is that Government are not really making the parent or the guardian liable for civil damages, but to a fine imposed by the criminal Courts. Therefore, I think this clause also goes beyond the ordinary principles of law.

Now, I come to a very important provision, namely, clause 11. The Governor General in Council is given power to declare any association unlawful. Once he declares any association unlawful, the consequences set out in the succeeding clause follow. Is not that taking away, by one clause of this Bill, the liberty of the people to associate among themselves for public purposes? What will be the check on the Governor General in Council against abusing this power? There can be no check. The Governor General in Council must exercise his powers upon information received from the Government Departments. I do not say that they always get wrong information. But that is not the point. It may be that in many cases the police get hold of criminals, men who have actually committed a crime, but they cannot find evidence and these criminals have to go scot-free. It may be also that the executive have information which is perfectly true and perfectly well-founded, but the question is not that. The question is, whether a person or a body of persons, who are to be declared to be an unlawful body, should have a proper trial or not. You cannot convict an individual of any offence under the Penal Code, say, even for simple abuse or for anything of that character, without giving him a proper trial and a proper hearing. Are Government going to give any hearing to the association they want to declare as unlawful? No. Will the members constituting that association be tried by any one? No. The mere order of the Governor General in Council passed in the Council Chamber is sufficient to doom an association, however lawful its object may actually be. Government need not even say what is the unlawful character of this association. They need not take the public into their confidence. They need not publish their reasons. It is quite sufficient if they declare an association to be unlawful. Then once an association is declared unlawful, the Local Government, by a notification in the local Gazette, may seize its property, may seize the house of the association where it holds its meetings and anything found therein is made liable to forfeiture. These are very serious consequences. Then the consideration arises. If the Congress alone is the enemy of the present Government, why have this general law? Or do Government think that other political bodies also are like the Congress? Why not declare the Congress unlawful? Why trench upon the liberty

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of the ordinary citizen? That is the gist of my complaints against this Bill. I know the Government have been applauding the Congress as the only powerfully organised body, that can deliver the goods and that Government need take notice of them alone, but the members of the Congress must be put into jail, because what they say is unpalatable. As regards the rest they are of no account. Even the legislatures are of no account. The legislatures have been created by Government's own statutes. Hundreds of people have become Members of the Legislatures sacrificing their time, their money and their labours. The Government do not recognise them at all except to the extent that they are compelled to do so by Statute. (Hear, hear.) What remains then? The Congress, of course, take themselves seriously. They say, "Yes, we are the only body to be recognised in this country". The British diplomats say, "Yes, we accept that position and, therefore, we put you in jail, you shall not speak. We do not care for the others". The others may be raising the same shout constitutionally without infringing the law, but they are not to be taken into account.

Sir, I started by saying that this Bill was not really aimed merely at the activities, the undesirable activities of the Congress. This Bill is really aimed at the liberty of the people generally and I take it, Sir, that the future Government, if they are not like the present Government, if they are a Government responsible to the people, cannot be expected to accept this law. Therefore, all the time that we have been spending here is futile. It is to be remembered, Sir, that the Government wanted originally that this measure should be a permanent feature of the Penal Code, the Criminal Procedure Code and the general law of the land. They were, however, persuaded by those, on whose votes they have got to rely, to limit the duration of this measure to three years. But, that does not make any substantial difference, unless we really know what it is they really intend. Do they want this measure to go out of the Statute-book at the end of three years? Do they expect that? Then, why have this measure even for three years? Is the mentality of the people, not merely of the Congress, but of all others who are constitutionally inclined though pursuing ideals similar to those of the Congress, are they going to suffer a law of this nature to remain on the Statute-book? Supposing the Honourable the Home Member and his English colleagues are no longer on the Treasury Benches after the new constitution has become law, then, in that case, will those, who will take their place, desire to keep this Statute going. I am afraid, they are not in a position to answer that question. Sir, I submit, that unless there is something really much deeper behind this Bill than we can fathom on the face of it, the Bill is a measure which lacks justification altogether. We know, as a matter of fact, that the Provincial Governments have passed enactments of a very drastic character to meet the local situation. In Bengal, we have the Terrorist Suppression Act, or whatever it is called. In the United Provinces, the Government have, I believe, passed a similar measure. The Punjab Government have passed another measure and, I believe, the Bombay Government also have under consideration a Bill of this kind, and we may take it, that the Bombay Government will pass it into law.

**Mr. Muhammad Yamin Khan:** What does that show? Is it not that public opinion is reflected by those who are in support of the Bill?

**Sir Abdur Rahim:** My Honourable friend, Mr. Yamin Khan, is confusing matters altogether. My argument is, if he will care to follow it, that the provinces have their own remedy for the situation which has arisen there. But why punish the ordinary citizen of entire India? Sir, I do not think the Honourable the Home Member, who is in charge of this Bill, gave that explanation.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I made it plain in my opening speech that this Bill, which this House is being invited to pass, was the foundation on which the local Bills were being framed, and if this Bill were not there, the local Bills would have been framed in an altogether different manner.

**Sir Abdur Rahim:** Sir, when they passed these Bills in the local Councils, this Bill might have been introduced here or might have been contemplated by the Government of India, but it was not passed and has not yet been passed. Then, how could it be the foundation? If the Honourable Member had pointed out any provisions in the local Acts which depend upon these provisions, then certainly his argument would have been sound. But it could not be, because we are now debating this Bill and the Provincial Governments have already passed their Acts. This sort of foundation is very difficult for one to appreciate. Sir, I am not concerned with the Congress and I protest against every one being dealt with as if he were a member of the Congress, unless the Honourable the Home Member is prepared to admit, on the floor of this House, that the Congress represents the entire political opinion of India. Is he prepared to admit that? I am sure, he is not. He will probably admit that whatever political opinion there is in the country is against this measure, barring people like my Honourable friend, Mr. Yamin Khan, and a few others who support Government. If any one reads the press as expressing the Indian opinion, what is said at public meetings, and consider the attitude of the majority of elected Members of this House, then, I say, there can be no doubt about public opinion.

**The Honourable Mr. H. G. Haig:** What about the local Councils?

**Sir Abdur Rahim:** Even if they take the last division which was on a narrower issue, Government will find that the majority of the elected Members voted against the Bill.

**Mr. B. R. Puri** (West Punjab: Non-Muhammadian): Sir, I had the good fortune or the misfortune to be one of the Members who took part in the deliberations of the Select Committee. I had also the good fortune or the misfortune to form one of the batch of four Members who walked out from the Select Committee. Sir, so far as the incidents connected with that matter are concerned, I have got no desire to go into details. I know that the repetition of those incidents would be a source of embarrassment and discomfort to my Honourable friends across the floor of this House; and I do not want to add anything to the pain which this incident must have caused to them as well as to us. Sir, while I am not going into this matter over again, I must make it perfectly clear that I and my three other colleagues, who walked out from the Select Committee, stand by every word of the statement which we issued to the press and we are not prepared to take back one word or syllable from that statement. We stand by the absolute accuracy of that statement in spite

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of any Knight or prospective Knight who may now think of coming forward and contradicting us. Sir, I only regret that, owing to some misunderstanding, three members, who always voted with us, did not or could not see their way to express their resentment of the way in which the proceedings of the Committee were conducted to the same extent, as we did. As a matter of fact, and, I am afraid, I must now go into some details, because it would not be fair to the House if only a partial version or one-sided version of the incident were placed before the House through my Honourable friend, Mr. Yamin Khan. I, therefore, crave the indulgence of the Chair to be allowed to dwell upon those matters, briefly though I promise to do so. And, in this connection, I would like to inform the House that although nominally only four members walked out, for all practical purposes it should be considered as if all the seven of us walked out of the Select Committee.

**An Honourable Member:** How is that?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Need the Honourable Member go into such details? The Chair permitted a certain amount of discussion on that issue, and, in doing so, appealed to Honourable Members, for reasons already stated, that a brief reference may be made to the subject by way of personal explanation.

**Mr. B. R. Puri:** I am only endeavouring to meet the version which was placed before the House by my Honourable friend, Mr. Yamin Khan, and by the time I come to the conclusion the Chair will be able to perceive the justification of my going over that ground.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Provided it is brief.

**Mr. B. R. Puri:** I have not gone into that matter to such an extent as my Honourable friend, Mr. Yamin Khan, did. But I will endeavour to be quite brief and I will try to stick to the promise that I have given to the Chair.

Now, Sir, I was submitting that for all practical purposes, not only we four, but all the seven of us were throughout the proceedings unanimously of one opinion, and, at the time we walked out, my Honourable friend, Mr. Sen, was actually packing up his papers, and I do not know whether a timely wink prevented his exit from the Select Committee room. I fully believed that while we four came out at one door, he must have come out by the other. But I must confess that I was disappointed, because, throughout, he held the same views as we did. However, Sir, that is a matter which it may be for Mr. Sen to explain or perhaps leave it unexplained if it so suits him. So far as the attitude of Government in the Select Committee was concerned, I for one was under no delusion. The only difference that that incident has made with me is that whereas, formerly, I had a feeling of admiration for certain Honourable Members, that feeling of admiration has now been converted into a feeling of sympathy. I realise that some times, on account of exigencies of the occasion, people are placed in such a false and unenviable position that they

are compelled to play a part which normally they would not do. That, I submit, is all that I would like to say with regard to the attitude of those who were entrusted on the Government side with the deliberations of the Select Committee.

So far as the actual Bill is concerned, I expected that after yesterday's rout of the Government and the amendment which they promised to put in in order to cover their retreat, but which amendment never saw the light of day, the Government, profiting by that experience, would have the candidness to come forward and themselves ask the permission of the House to allow them to withdraw some of the most palpably objectionable provisions which form part of this Bill. Sir, there are clauses in this Bill which are open to more or less allied criticism and objection which was so successfully levelled against the Government yesterday; I am referring to clauses 10, 11 and 13. Clause 10 empowers the Local Government, by Notification in the local official Gazette, to declare that any offence punishable under sections 186, 188, etc., of the Indian Penal Code, when committed in any area specified in the Notification shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be cognizable. This is followed by sub-clause (2) under which the Local Government may, in like manner and subject to the like conditions, and with the like effect, declare that an offence punishable under section 188 or section 506 of the Indian Penal Code shall be non-bailable. I was expecting the Honourable the Home Member to throw some light upon this particular provision; but he very discreetly said not a word about it. Indeed he was very reticent so far as the main and controversial items in this Bill are concerned. No doubt he adopted this course, because he wanted to expose the least possible surface for an attack. With regard to this clause, all that I need put before the House is, that here is a power which is being given to an executive agency who are given practically a blank cheque signed by this Legislature to proceed, according to their fancy, to repeal an Act passed by this Legislature, in any particular area whenever they choose to do so. They are allowed to convert a non-cognizable offence into a cognizable offence and a bailable offence into a non-bailable offence in complete violation and in utter repudiation of a solemn legislative enactment passed by this House. You will appreciate the grotesqueness of this provision if, instead of a Local Government, I were to substitute the name of a private individual. The provision would then read that Mr. . . . . whenever he chooses—let him be, no doubt, a very desirable person, a very honest man, a very considerate man, a man who possesses a good head and knows all about worldly affairs, a very estimable man—I am substituting the name of a private individual in order that the House may be in a position to appreciate what a grotesque and ludicrous thing this provision would become if we, as a legislative body, were to lay down that our legislative enactment would be alterable at the discretion of a private individual, no matter how high he may be, how well qualified he may be. I do not think for a moment that it would be seriously disputed that that provision would become absolutely undefendable. What difference, may I ask, would it make if, instead of a private individual, you substitute the name of an executive agency? The personality would not make any difference. You will be substituting an executive agency to legislate on your behalf and surrendering our legislative functions in favour of that particular agency. This is what is called bureaucratic legislative encroachment. It has been censured, it has been criticised by no less an authority than the present Lord Chief Justice of England, Lord Hewart. His book, the



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"New Despotism", is replete with passages on almost every page: he has taken pains to show to the British people the extreme danger and peril of any Parliamentary or legislative body surrendering its functions, consciously or unconsciously, to the executive agencies piecemeal and in bits. He has cited instances from various enactments where the British Parliament has done so; but the position is not identical in this country. The British Parliament, as somebody remarked, if they were to lay down that a man is a woman and a woman is a man, the Courts cannot go behind that: they must obey it. But the position in India is not the same. We are a subordinate legislative body; they are a sovereign body; it is from that sovereign body that we have received our powers and we are here by virtue of the powers which have been conferred upon this Legislature by an Act of Parliament. If that Act of Parliament permits us to delegate those powers in favour of any outside agency, we would be within our rights. If, on the other hand, the powers of legislation are conferred upon us and upon us alone, to the exclusion of every other agency or every other person or individual, then we have no power to pass such laws authorising Local Government to enact laws as our agent.

Sir, the Government, it appears, in their zeal for repressive measures, have lost their heads. They have actually gone the length of commending to us to pass laws, the samples of which are to be found in clause 10. I contend that clause 10 offends against the Act of the British Parliament which should be our sole guide. Our powers are defined in section 65 of the Government of India Act, which says that "the Indian Legislature shall have the power to make laws for all classes of people and for all places in this country". I would particularly invite the attention of the House to the territorial extent of our powers. There is no part of the country which is outside our jurisdiction. Any attempt, therefore, on our part to allow any one to make laws in any part of this country, in violation of that Act of Parliament, would be a piece of gross *legislative impertinence*. Nothing short of it.

I now come, Sir, to clause 11 which is more or less of the same type as clause 10, but with this difference, that instead of "the Local Government", we have got in clause 11 "the Governor General in Council" substituted, but that makes no difference so far as the principle involved is concerned.

We now come to clause 13, which is the most mischievous clause. Under this clause the Local Government is empowered to declare the "notified places". Sir, if it was mere "notifying" such places, perhaps it didn't matter; but our unfortunate part comes that the moment the Local Government declares a place to be a notified place, then a series of results follow. After such notification, comes the District Magistrate, and says: "I take possession of this notified place".—and either he or any one of his nominees takes possession of that place. That is followed by the forfeiture of everything that is found on the premises, moveable or immovable, it makes no difference. Even the cash and money which has been used or is likely to be used for objectionable purposes can be taken possession of, so that the person in possession of the premises can be denuded of his last penny. The provision, therefore, is of a very very far-reaching character, and it starts by an illegal act of the Local Government, namely, of "notifying" of the place which the Legislature cannot in law empower the Local Government to do. I submit, this is a most

indefensible position. The Honourable the Home Member fully knows this legal aspect of the question. It was urged in the Select Committee, and after yesterday's incident I was fully hoping that the Government would themselves withdraw these provisions. I must confess I have been disappointed.

Now, Sir, I will ask the House to consider another clause of this Bill, namely, clause 5. This clause relates to the dissemination of contents of proscribed documents. My object in referring to this clause is to show the utter childish character of the provision. If a particular publication is proscribed, the consequence is that it is forfeited to Government. But if after such publication is forfeited, any party proceeds to circulate or publish any portion out of that proscribed book, he is liable to six months' imprisonment and fine. In the first instance, I would ask the House to consider this point. The original offender is merely penalised to the extent of being dispossessed of his publication; but if another person culls out a passage from that book, even if that passage is not objectionable, he is liable to a much greater penalty and punishment than the original offender. That is the first aspect which should strike any one. But the most objectionable part is the second clause which says that no Court shall take cognisance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated, contains, in the opinion of the Local Government, seditious or other matter of the nature referred to, etc., etc. It really comes to this, that the prosecution in such a case is permitted to put in a sort of a certificate from the Local Government to the effect that here is 3/4ths of our case already proved, and this is the letter certifying that fact from the head of the Local Government. What is the poor Magistrate to do under these circumstances except to pass a sentence upon the accused? I say that any communication, any recommendation, emanating from the executive authorities intended to influence the judicial discretion of a Magistrate, is to be censured in most clear terms. It is a position which cannot be tolerated. It is common knowledge that in acquittal appeals, which are argued before the High Courts, any reference to the opinion of the Government is strongly put down and never allowed to be made as it amounts to an attempt to influence the judgment of the Court. I will ask you to profit by this practice of the High Courts. If such a thing would not be tolerated in a High Court, how can you justify this clause under which the police or the party in charge of the prosecution can come armed with a certificate from the Local Government saying, "We consider this passage to be objectionable and we call upon you to pronounce against the accused your sentence?" Is it not a most diabolical provision? Is it not a provision which offends against the most elementary principles upon which the administration of criminal justice is founded?

So far as the life of the Bill is concerned, I submit that the period of three years has no justification. After all, the period is to be fixed on some principle. In urging that this Bill should not go beyond six months, we claim we have followed a certain principle. We have been told often and often by the Government that this is an emergency measure. And we have adopted the principle which underlies section 72 of the Government of India Act, which says that an Ordinance, as being an emergency measure, shall have its life not beyond six months. Therefore, following

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that principle we urged that this being an emergency measure, its life should not be prolonged beyond six months. On the contrary, we know that originally the Government's intention was to have this Bill passed for an unlimited period. Then they came down to five years, and, later on, they climbed down to three years. I maintain that all these periods are arbitrary, there is no principle involved in their fixing it at five years any more than there is in fixing it at three years. All that we are told is that by the end of three years the new constitutional changes shall have been introduced and that it is desirable that this Bill should remain in force till after those changes are introduced. In order to read the real mind of the Government, in order to understand whether this plea of the Government is a genuine and sincere plea,—may I ask what their argument was when they originally advocated that the Bill should be in force for an unlimited period? And what again was their justification for urging that the Bill should remain in force for five years? And now that it has come down to three years, what is the point in making this Bill to remain in force until after those changes have been introduced? The very fact that some reforms are needed connotes that there are some evils that have to be remedied. And how can we get any reforms unless we are able to urge what those evils are, what the nature of those evils is, what the extent of those evils is? And, for that, we should have the liberty of speech, the liberty of the press. After all, it is not for the boot maker, but for the man who wears the shoe, to say where the shoe pinches. Therefore, if we are not permitted to express what our grievances are, what those evils are which we want to be replaced by reforms, how can we achieve anything worth having? Suppose one of the evils be that your police is corrupt. Can I afford to say so in the face of such laws which you propose to make? I cannot institute a declaratory suit that the police in this country are corrupt. I can only do it either on the platform or in the press. But if, under your boycott law, a private individual's shadow falls upon a police officer, he will be guilty, if, as the Honourable the Home Member says, you invite every other person in the town and you do not invite the local police officer, you are boycotting him, how can you move in the matter at all?

**The Honourable Mr. H. G. Haig:** Did I say that?

**Mr. B. R. Puri:** You are practically saying that. I do not say that you said so in so many words. But boycott means this, one form of it is if you exclude him from all social functions. I say that you are shutting out the very channels by which we can ventilate our grievances and explain our real difficulties. But with your present laws you are gagging us. You are crippling us, so that we shall be utterly helpless to say what we want. Under those conditions, I submit, that this is a measure which cannot be tolerated even for a moment so far as the peoples' view point is concerned, however convenient and helpful it may be to Government.

With regard to clauses 2 and 14, I would only say one or two words. This is a clause with regard to dissuasion. The Bill provides two exceptions and my submission is that however beautifully those two exceptions may have been worded, they are only exceptions after all. They place the burden of proof on an accused person and I submit that that is opposed

to the fundamental principles of jurisprudence. If it was an act *per se* objectionable, you can certainly place the burden of proof on the accused person, but an act which might or might not be bad according to the circumstances, why should a presumption be made in favour of the prosecution. If a presumption is to be made at all, it should be made in favour of the accused. With regard to this particular clause, there is one important observation I want to make. My Honourable friend, Sir Abdur Rahim, referred to it and it is this. In the Select Committee we asked the Honourable the Home Member if there was any data available which would justify the creation of this new offence, and we were told that there was no data on that point.

**The Honourable Mr. H. G. Haig:** I think I said I had no information available at the moment.

**Mr. B. R. Puri:** I am speaking of that particular moment. I am not in a position to know if since then any information has come in.

**The Honourable Mr. H. G. Haig:** I hope at a later stage to place certain information before the House,

**Mr. B. R. Puri:** We are at the moment considering what was the justification for creating this new offence at a time when there was no information available before the Government.

**The Honourable Mr. H. G. Haig:** It was not that there was no information available to Government. I did not happen to have it with me at the moment.

**Mr. B. R. Puri:** The position then taken was that there was no information and no data available at that time to justify the creation of an offence of that kind and I would take my stand on that assurance. You cannot create and make laws which can be held *in terrorem* upon the people, because you think that some day they might possibly misbehave themselves. That is not the spirit and that is not the theory upon which legislation ought to proceed. I, therefore, oppose this Bill *in toto*, although I am speaking on the circulation motion. Without multiplying instances, I have placed before the House a few material facts in order to convince the House that it is a most pernicious measure which would not be tolerated in any country,

**The Honourable Sir Brojendra Mitter:** I shall not take up the time of the House for long, because, in the course of the debate, only two points have emerged which require an answer from me. One point was made by Mr. Puri with regard to clauses 10, 11 and 13, that under the Bill power is given to the Local Government to declare a particular area. The point is that this is delegation of legislative power and is, therefore, *ultra vires*. Probably the Honourable Member forgot the recent judgment of a Special Bench of the Bombay High Court, delivered on the 20th July this year, in which the Chief Justice dealt with a similar clause in the Ordinance. For this purpose it makes no difference whether the law making authority is the Governor General or the Legislature. The point was taken there that the Governor General might have had power of

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legislation, but he had no power to delegate his legislative function to a local authority. This is what the learned Chief Justice says:

"Sub-section (2) of section 1 provides that that section and section 63 extend to the whole of British India, and the remaining provisions of the Ordinance are to extend only to such provinces or parts of the provinces as the Governor General in Council may, by notification in the Gazette of India, specify and sub-section (3) provides that that section and section 63 shall come into force at once and that the Local Government may, by notification in the local official Gazette, direct that any or all of the remaining provisions shall come into force in any area to which they have been extended on such date as may be appointed in the notification. It is not disputed by the applicant that the Governor General in Council has, by notification in the Gazette of India, extended the Ordinance to the province of Bombay, and that the Local Government have, by notification, directed that it shall come into force in the area in question, that is, the area of Sholapur. But it is said that the Governor General had no power to delegate to the Governor General in Council or to the Local Government, the power of saying to what particular area and at what particular time the Ordinance was to operate. (*The point which has been taken here.*) It is said that the effect of the Ordinance, as promulgated by the Governor General, is that it is left to an outside authority to promulgate the rest of the Ordinance. I think the argument really confuses the power to make a law, and the power to administer the law when made. It is no doubt for the Governor General, and the Governor General alone (*as it is for the Legislature*) to promulgate an Ordinance which is a form of emergency legislation, but I see no reason why, in the law which he promulgates, he should not provide that it is to come into operation at such time, or in such areas as may be determined by a third party."

**Sir Hari Singh Gour:** Does the Honourable the Law Member say that this is the case here?

**The Honourable Sir Brojendra Mitter:** It is precisely the case here. It goes on:

"It seems to me that by so doing he is not delegating the right to make a law. He is merely providing how the law which he makes is to be administered. I think authority for that view is to be found in the case relied on by the Advocate General, *Empress v. Burah*. I feel, therefore, no doubt that this Ordinance has been properly and regularly promulgated in Bombay."

That is an enough answer to the question.

**Mr. B. R. Puri:** Does the Honourable Member think that clause 10 can be defended like that? Does he seriously maintain that?

**The Honourable Sir Brojendra Mitter:** That conclusively disposes of that objection. The next point to which I think an answer is called for is the one made by Sir Abdur Rahim. He said that the ordinary law provided for all the illegal manifestations of the civil disobedience movement and, therefore, no further legislation was necessary. Sir, my short answer is this, that the ordinary law does not cover many of the illegal activities of the Congress, and I shall give only two instances. The ordinary law has no remedy for picketing, and the ordinary law provides no remedy for boycott. Therefore—I am not, Sir, arguing whether the measures which we are proposing are adequate or necessary in the circumstances of the country at the present moment—all I am saying is that these particular manifestations of the civil disobedience movement are not covered by the ordinary law of the land as it now stands.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Mr. President, I came to this House as a staunch co-operator with

the Government and an inveterate believer in the British connection. My function inside this House, as a Member, is always to give the best advice according to my conscience on any question that arises in the House. It would be idle to deny that there is a spirit of flouting a particular kind of law rampant in the country at this time and it would also be futile to deny that something must be done to check that spirit, as, otherwise, the consequences would be of a very far-reaching nature. Under these circumstances, I consider that it is the bounden duty of the Government to devise means by which this trouble can be checked as well as the bounden duty of every Member of this House, either inside or outside the House, to do his bit to see that this state of affairs is brought to an end in a satisfactory way. Sir, with this idea of my duty and with a full sense of responsibility as a Member of the Indian House of Commons, I shall place before the Honourable Members certain aspects of the question which strike me as being very essential and which, I consider, have not been dealt with yet. Now, with all the emphasis at my command, I say that in order to be true to myself, to my country and to my sovereign, I shall, in putting forth my views, remain open to conviction and if, by the time this debate is concluded, the Honourable the Home Member's arguments or those of my friends on this side convince me of the propriety and soundness of their views, I shall cast my vote for that party accordingly.

The question before this House is, how to put down what is generally known as the civil disobedience movement. There is no doubt that from the time this movement has taken root in this country, due to various repressive measures, which, promulgated as they were in a form which would always be liable to corruption and abuse by the authorities, the administration of justice by the subordinate magistracy in this country is reduced more or less to a farce. One often asks oneself this question—who is the greater offender in trampling under the feet the sanctity of law,—the khaddar-clad men or the liveried representatives of the Government who arrest them or the magistrates who are supposed to hold their trial according to the best traditions of British jurisprudence? Well, Sir, this was a mere digression. Coming back to the point again, I say, the question is, how are we to provide means to do away with or to suppress or finish, once for all, this trouble which is now arising in the country? I must say that from this side of the House—I may be mistaken and I am always open to correction—no constructive proposals have been put forward as to how we can tackle this problem. As far as I understand, it was suggested by one of the Honourable Members on this side,—I do not know whether he seriously pressed that point,—that once Mahatma Gandhi is released, this trouble will be over. I, Sir, who claim to be second to none in my respect for Mahatma Gandhi, have got my own opinion on this point. Truthful and honest as he always is, I do not think that if this question is put to him, he will himself say that “if I come out, this movement will come to an end”. If that is the case, I am afraid the only constructive proposal which has come from this side of the House should really not deserve any serious consideration by any Member of the House. There is no doubt in the soundness of the contention brought forward by my Honourable friend, Mr. Anwar-ul-Azim, that since he pays heavy taxes, he has a right to expect the Government to look after his personal security and the security of his property. Sir, I feel, that way myself, and I also hold that the Government are responsible for maintaining law and order

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in the country. Now that there is this kind of trouble in the country, Government want the Members of the Legislature in this House to give them their opinion as to how to eradicate it. Are we going to be carried away by what we hear only from the side of the Government, or are we bound to give them our honest, independent opinion and not to care as to what opinion is liked by them? Sir, there are three proposals before this House. The original Bill has been before this House for some time and it has been referred to a Select Committee by a majority of the Members of this House. Later on, we found there were two amendments to the original motion—one amendment from my friend, Mr. Sadiq Hasan, that the Bill be sent for circulation and for eliciting public opinion, and there is the other amendment that the Bill be sent back to the same Committee again for further consideration. Sir, with due deference to the opinion of those who have suggested the second amendment, I for myself would say that I should not be a party to this arrangement unless all the members of the Committee gave personal recognizances in Rs. 20,000 each not to walk out but also to be present on every occasion. (Applause and Laughter.) This, I am afraid, Sir, will not be done, and if this cannot be done, it is no use our sending the Bill back to the same Committee for any further consideration. If the second amendment is dropped, then all that is left before us for consideration is the original motion itself and the amendment of Mr. Sadiq Hasan. Now, I shall not take up the time of the House by going through the details of the various provisions, because I frankly confess that the details have been discussed on the floor of this House by much better brains than mine. I look at this Bill from a different point of view altogether. While I sympathise and agree with the Government that it is their duty to do something to put an end to this trouble, I ask this question,—is the Bill going to accomplish your object? Sir, this Bill is called a repressive measure and I for one am not afraid of that word “repressive”, because if repression can bring forth the desired effect, I would be the last person to ask the House not to have recourse to it. But the position in our country in connection with the movement of civil disobedience is particularly complicated and it is my own independent opinion—I again say that I stand for correction every time—that the repressive measures or the enactment which the Government propose to pass will not only not improve matters, but will aggravate the malady for which it is supposed to be a cure. The position is this. The Congress travelling agent—I have not met one, but I believe there are many—who goes from town to town, asks one of his friends in one town: “What are you doing my friend these days?” He says: “We are shouting ‘Mahatma Gandhi ki jai’ every day; we carry the flag every day; but nobody comes and arrests us”. The agent is extremely disappointed. He says: “There must be something very wrong in your methods of work. If you will not get arrested, I shall have to report that your district is not doing any national work”. Then he goes to the other town and asks one of his friends: “What is going on here?” That man speaks with great gusto and says: “Within a fortnight 60 arrests have been made, out of whom 20 were women and 10 children and also one rich and influential zamindar has been arrested”. The agent is overjoyed. He pats him on his back and says: “You will win Swaraj very shortly”. He is triumphant on the results achieved. But there is another side of this picture. The District Magistrate sends his fortnightly D. O. to his Commissioner. He says: “We have done splendid

work in this fortnight. We have arrested 60 people, including 20 women and 10 children and we have also arrested a very influential and rich zamindar". Now, Sir, with all humility that I possess, I ask my Honourable friend, the Home Member: "When and where will this war end and who will be victorious at the end, when on the achievement of the same results both the parties consider themselves triumphant?" This is, Sir, one phase of the question that has been worrying me always and I have not been able to find any solution or answer to it. Sir, if that is the state of affairs as far as the proposed enactment is concerned, I submit that surely with all earnestness we should ask the Home Member to devise some other means and not this particular means which, as I have shown to the House, would be nothing but futile from beginning to the end.

Sir, the Home Member laid great stress on the point that the Bill, as it has emerged from the Select Committee, is a more reasonable and sympathetic one. Further, he tried to make a point which he has been endeavouring to make from the very beginning that within a very short time the Government are going to hand over power to other people and that it would be a bad legacy if he left any handicaps and obstructions in the way of the future Government. I submit to my friend, the Home Member, that if you are sure of the strength of your case, and if you are sure that you are going to leave a really good legacy,—not a cup of poison, but really the milk of life,—why are you afraid to accept Mr. Sadiq Hasan's amendment which will only give you an opportunity to strengthen your hands by having the opinion of the country solicited widely? Well, Sir, if my friend's position is really sound and if my friend's plans are really for accomplishing what he wants to accomplish, I do not see why the amendment for further circulation should not be accepted. As the Home Member is very anxious that he should not leave a bad legacy to his successors, he should be really cautious to see that the posterity do not curse him for putting the country in their hands in a condition worse than it might have been in without the Ordinance Bill.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan

4 P.M.

Rural): Sir, after the principle of this Bill was accepted by a very large majority of this House at Simla, it was reasonably expected that at this stage Honourable Members would avoid repeating the same general, and what I might call, sentimental arguments which were urged on the second reading of this Bill. But, after listening to most of the speeches that were delivered on the floor of this House yesterday and this morning, one must be extremely disappointed at the lack of sober criticism and sound discussion. And it is a matter of great satisfaction to me that certain speeches which were delivered this afternoon were intended to criticise the provisions of the Bill as they ought to have been criticised.

Sir, there can be no doubt that the Bill is a drastic measure. There can be no doubt that the provisions of this Bill will play hard with certain sections of the public, but, as was made amply clear on the occasion when this Bill was placed before the House, what was intended by promulgating this emergency measure was the greatest good of the greatest number. If this Bill curtails, to a certain extent, the liberty of speech and action of a small number of people in this country, it is in order to safeguard the liberty of action and speech of a very very large population of the country. In fact, all the laws and enactments, that are on the Statute-book of a country, curtail the liberty of the people. If I want to kill a



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man and it is my intention that I should kill him and if anybody stops me from doing so or makes a law which prevents me from committing that murder, he curtails the liberty of my action. If a woman wants to marry four husbands, why is she stopped from doing so? So, I say, that all the laws that are in force in a country do place certain restraint on the liberty of the people. But we have got to see whether that curtailment of liberty is for the good of the country or otherwise. Now, it was made abundantly clear on the previous occasion that the emergency measure, which is intended to be placed on the Statute-book, is for the good of the country. Much stress has been laid upon public opinion and it has been said that we ought to take the public opinion before we bring any such measure on the Statute-book. Sir, if you go into the bazaar, if you go into a village, if you meet an ordinary man on the street, who has got no newspaper to ventilate his views, the man who has got no organisation to tell you his grievances, you will find that at least 70 per cent. of the population of this country are tired of the Congress movement. Look at the state of the poor tradesman who earns about eight or ten annas a day with which to feed his family consisting of six or eight persons. For three days out of a week, the Congress proclaims a *hartal*, because one man is sent to jail or another man has started his fast. It is all very good for the holiday making boys and volunteers, because they get Rs. 1-4-0 a day from the Congress funds, but what about that poor merchant whose income has been lost and whose children will have to starve the whole day. The opinion of the country is so clear on this point that it is futile and simply foolish to say that opinions of the country have not been obtained. Let us now see the provisions of the Bill. As I have already stated, drastic measures they are and drastic measures they will remain, but they are intended to meet a more drastic and a more pernicious movement and, therefore, some hardship will have to be allowed. But anybody, who would carefully go through the report of the Select Committee, would find that the rigour of the measure has been very much softened and the corners of the Bill have been rubbed so much as was possible for a measure like this. The improvement which this Bill has undergone through the Select Committee can be judged by the very fact that even the official members were obliged to add a minute of dissent. This clearly shows to what extent the Bill has been modified by the Select Committee and to what extent it has been improved. Now, Sir, my Honourable and learned friend, the *ex-Chief Justice* of the Madras High Court and the President and Leader of the Independent Party, in criticising clause 2 said that the wording of clause 2 was very wide and that it would entail great hardship upon the public. Probably he forgot to read the exception which has been added by the Select Committee and which was not in the original Bill. This exception says:

"This provision does not extend to comments on or criticisms of the policy of Government in connection with the military, naval, air or police service made in good faith and without any intention to dissuade from enlistment."

Comments of this description are not to be considered an offence under this clause. After this exception has been inserted in the Bill, the objections which were raised by the Honourable the Leader of the Independent Party do not hold any ground. Then, again, exception II still further modifies this provision. It says:

"This provision does not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given or for the benefit of any member of his family or of any of his dependents."

Now, this exception has been extended so much that if an advice is given not only for the benefit of that person, but also for the benefit of any of the members of his family and his dependants also, it does not come, under the category of offences enumerated in the Bill. I submit, therefore, that the rigour which was contained in clause 2 has been taken away by the exceptions which I have just read out to the House. As regards boycott of public servants, I am very sorry that the Honourable the Leader of the Independent Party has dealt with the subject in a very light-hearted manner. If he were still holding the position of the Chief Justice, which he held for many years, or if he were still a Member of the Executive Council and if in a town in which he happens to go, the washermen had refused to wash his clothes, the scavenger had refused to clean his bathroom, the barbers had refused to shave him or his servants, I do not think he would talk about this clause so lightly as he did this afternoon, and I do not think he would have said, "We all have to undergo such inconveniences".

Then, consider the case of a petty Government official who is posted in a small town, there is only one mid-wife or one lady doctor and she is threatened or she is forced by the Congress volunteers not to serve or attend upon the wife of that Government official who is on the verge of confinement. To treat this matter so lightly and to say that such inconveniences we have often to bear is a thing which seems to me unthinkable and I am really sorry that an experienced man like him, who has been for such a long time in the public life, should treat such a state of affairs so lightly as the Honourable the Leader of the Independent Party has done . . . . .

**Mr. B. V. Jadhav:** Is that contingency provided for in the amended Bill?

**Sir Muhammad Yakub:** I cannot understand what the Honourable Member says. He was also in the Select Committee.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Please go on.

**Sir Muhammad Yakub:** We have made certain amendments in the body of clause 4 also. We have added the words, "usually let for hire" in the case of houses, and also in the case of land, "not being cultivated land" and in the case of medical attendance, the words "withholds from such person or his family such medical services as he would ordinarily render", and, I submit, that by adding these words, we have restricted the scope of the clause and the clause has been improved as much as could be expected. Of course everybody admits, even the Secretary of State for India admits, that these are very drastic measures and nobody likes these measures. It has been said by some Honourable Members, why have this measure for three years. I say to them, it is in your hands. Even today if you can make Mr. Gandhi declare that civil disobedience is withdrawn, that the Congress activities are suspended, there is nothing to prevent us from coming to the House tomorrow and getting this Bill repealed with the consent of everybody in the House. It is the men who commit the offences who are responsible for having a measure like this and not those who have got to maintain law and order in the land and who have got to safeguard the liberty of the poor villager and the poor merchant.

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Then, Sir, sub-clause (2) of clause 4 makes this still more lenient. It says:

"No Court shall take cognisance of an offence punishable under this section unless upon complaint made by order of or under authority from the Local Government or some officer empowered by the Local Government in this behalf."

It has been said that this clause might be abused by some petty Government official. It is, in order to safeguard against such abuse of power, that sub-clause 2 has been added. Then, again, Sir, is there any law in this country which cannot be abused? The Indian Penal Code is abused. The Criminal Procedure Code is abused. I do not say that the Government officials, who sit on the benches, are saints. They do sometimes abuse the laws which they have to administer.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): This measure is also of that kind.

**Sir Muhammad Yakub:** But on the ground that there is a possibility of any law being abused, will you repeal that law and will you remove all such laws from the Statute-book? It is absurd to make an assertion like that.

Then, Sir, objection was taken to clause 5, and it was pointed out that when the whole book is proscribed, no punishment is given to the author, but if a man only repeats an extract from it, he is liable to punishment. The answer to that is quite clear. It was the first offence while this is a repetition of the offence. Before the book was proscribed, its publication was no offence, but if, knowing that a thing is proscribed, a man proceeds to repeat it, he not only repeats the offence, but he shows a disregard to the law of the country and, therefore, this offence is rightly made more serious than the first offence.

As regards the other provisions of the Bill, an objection was taken to clause 8, which deals with the liability of the parents to pay fines on behalf of the children. Here, too, Honourable Members will find that this is not a novel provision. This provision has found a place on the Statute-book of the country for many years, even before this contingency had arisen, and no objection was taken to it.

**Mr. M. Maswood Ahmad:** Will the Honourable Member please quote the Acts?

**Sir Muhammad Yakub:** The Honourable Member must learn some law.

**Mr. M. Maswood Ahmad:** I know more than you do.

**Sir Muhammad Yakub:** The Children's Act of Bombay is one and there are many other Acts of this kind under which parents are made liable to pay fines for the children.

**Mr. Gaya Prasad Singh:** Why not get a list from the Home Department?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member should be allowed to go on.

**Sir Muhammad Yakub**: I will not be bullied by buffoons like you.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member cannot call a Member of this House a buffoon.

**Sir Muhammad Yakub**: I withdraw that word, Sir, but I crave your protection. Whenever we rise to make speeches, there are certain Members on those Benches who make it their business to interject and try to stop us from going on with our speeches,

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member knows that, before he got excited, the Chair did call Honourable Members to order when they were interrupting him so frequently.

**Sir Muhammad Yakub**: I am thankful to the Chair.

Then, Sir, it is not only the parents who are made liable to pay fines under this section. Honourable Members, if they will carefully go through the section, will find that the explanation to the clause which has been added by the Select Committee says that:

"In this section the word 'guardian' includes any person who, in the opinion of the Court, has for the time being the charge of, or control over, the offender."

What happens is this, that certain adult Congress volunteers take charge of small urchins and pay them two annas or four annas a day. Some of these children have no parents; as regards others, their parents know nothing as to what these urchins are being made to do. And, therefore, if a parent is not responsible for the act of the child, he will not be held responsible for paying the fine at all; and it is really the man who has charge of the child at the time the offence is committed who will have to pay the fine. Therefore, any inconvenience, which would have been caused to a parent who is not responsible for the act of the child, has been taken away or removed.

As regards the declaration of unlawful associations and confiscation of property, Honourable Members will find that in clause 13, section 17 of the Indian Criminal Law Amendment Act has been redrafted altogether, and in order to take away the rigour of the clauses, provisions have been provided that people who are aggrieved by such orders may go to the judicial Court and get their claims established.

My Honourable friend, Mr. Puri, has raised objection, and, in his opinion, a serious objection, about clauses 10 and 11. But I am really surprised that an eminent lawyer like Mr. Puri should raise such an objection. A close perusal of the Bill will show that the power of legislation has not been delegated to any local authority. The power of legislation has been reserved by this Legislature, and the Legislature itself has made certain amendments. It is only the application of certain provisions of the Bill which has been left to the discretion of the Local Governments and that is not a delegation of the authority of legislation to which objection was raised.

**Sir Hari Singh Gour:** You have given the Local Government power to amend the Criminal Procedure Code.

**Sir Muhammad Yakub:** The power to amend the Criminal Procedure Code is not left to the Local Governments. They cannot, at their own sweet will, amend the provisions of any section they like. But what is meant is that as regards certain sections the power has been given by this Legislature to the Local Governments to declare them non-bailable or cognisable and things like that. So this is not really a delegation of the legislative power about which objection was raised by the Honourable Mr. Puri . . . .

**Diwan Bahadur T. Rangachariar:** Will my Honourable friend read the last clause in section 10?

**Sir Hari Singh Gour:** If the Honourable the Home Member is going to support you on the last point, you should be satisfied.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Let there be no interruptions, please.

**Sir Muhammad Yakub:** Do you mean sub-clause (1) or (2)?

**Diwan Bahadur T. Rangachariar:** The last clause in sub-clause (1).

**Sir Muhammad Yakub:**

"and, thereupon, the Code of Criminal Procedure, 1898, shall, while such notification remains in force, be deemed to be amended accordingly."

Of course the amendment has been made by this Legislature. It is this House which is now making the amendment. The function of bringing that amendment into force is left to the Local Government and that is not delegating the legislation altogether. There are no other particular clauses to which objections have been raised. My esteemed friend, Mr. Rangachariar, this morning contended that a measure like this is intended to curtail legitimate political movements and legitimate rights of the people. I would ask my Honourable friend that during the time when the Ordinances were in force—and of course the Ordinances were more rigorous than this measure—how many meetings did he himself call in Madras and how many meetings did he preside over and was he ever stopped from holding any meeting?

**Diwan Bahadur T. Rangachariar:** I may mention that the Chief Presidency Magistrate issues notification after notification prohibiting public meetings.

**Sir Muhammad Yakub:** Quite right. That is not under the provisions of this Bill. That was under section 144 of the Criminal Procedure Code which is a very old enactment: when there is a danger to the peace in a certain place, the District Magistrate can do so, but not under the Ordinances or under this Bill. Then, it was only the other day, that the Liberals were holding their Conference at Bombay. So, I say, that legitimate political movements can never be stopped by this enactment.

Of course this enactment is intended to meet an emergency and, for that purpose, it has got to be a bit harder than usual . . . . .

**Diwan Bahadur T. Rangachariar:** If my Honourable friend will extend to me the courtesy of allowing me to put him a question, may I ask him, does he think he is at liberty today to call a meeting, if he thinks the police have committed excesses in his district, to condemn those excesses?

**Sir Muhammad Yakub:** Most certainly, meetings may be called in which excesses by the police may be condemned. Not only that; if my Honourable friend has read the newspaper reports of Delhi, he will find that complaints have been filed against the excesses of police officers and that those complaints are being investigated by the Government even today . . . . .

**Sir Hari Singh Gour:** Are complaints public meetings?

**Sir Muhammad Yakub:** Therefore, for these reasons I commend this Bill, as it has emerged from the Select Committee, for the consideration of the House. I do not think that any legitimate purpose would be served by re-circulating this Bill or by re-committing the Bill to the Select Committee. The Select Committee has done what it could have done; and, before I conclude, I will only remark that the proceedings of the Select Committee were carried on in a very honest and straightforward manner. There were no two parties in the Select Committee. Had it not been for the conciliatory spirit of the official members in the Select Committee, we would not have been able to carry those amendments, and important amendments, which were carried after the walk out of some Honourable Members on the other side . . . . .

**Mr. S. C. Mitra:** There were only two official members.

**Sir Muhammad Yakub:** And those official members had to put in a note of dissent. With these remarks, I support the motion that the Bill be taken into consideration.

**Some Honourable Members:** The question may now be put.

**Mr. Gaya Prasad Singh:** As a member of the Select Committee, and as one of those who deemed it their duty to cease to participate in the deliberations of the Committee at a certain stage, I should like to offer a few observations on the Bill. Before doing so, I must acknowledge with thanks the very studied restraint, the suavity of manner, and the unfailing smile which lends to disarm criticism, of my Honourable friend, the Home Member, with which he referred to that unfortunate episode in the Select Committee which led some of us to leave the meeting. My Honourable friend said that if at any stage of the discussions on the Bill personal references are made, he will be prepared to meet them. I for my part give him the assurance that so far as I am concerned, I am not going to rake up the unpleasant episode but if any official Member or any satellite of theirs rakes up anything, I shall be prepared to meet the charges that may be levelled against us. My Honourable friends, Mr. Yamin Khau

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and Sir Muhammad Yakub, have indulged in the sort of speech which is quite habitual with them. My Honourable friend, Mr. Yamin Khan, first came into this House as a Nominated Member . . . .

**Mr. Muhammad Yamin Khan:** I came to this House, long before you came, as an Elected Member.

**Mr. Gaya Prasad Singh:** My Honourable friend was for some time a Nominated Member of this House; now he has become an Elected Member; but this change of status has not apparently brought about a change in his mental outlook on political questions. So far as my Honourable friend, Sir Muhammad Yakub, is concerned, he has indulged in an epithet . . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): He has withdrawn it.

**Mr. Gaya Prasad Singh:** . . . . . which is very regrettable, and there I leave the matter. They have contended that this Bill, as it has emerged from the Select Committee, is a distinct improvement and very material changes have been made in it which makes it now acceptable to this House. I will only draw the attention of the House to the concluding portion of the Select Committee's report in which they themselves have said this:

"We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended."

This admission of theirs clearly shows that the Bill has not been as materially altered as they claim it to have been. It has been stated by Honourable Members on the Treasury Benches and their henchmen on this side of the House that this Bill has been introduced for the purpose of suppressing the civil disobedience movement . . . . .

**Mr. Muhammad Yamin Khan:** May I ask whether the expression "henchmen" is a very suitable word?

**Mr. Gaya Prasad Singh:** I hold that the word is not unparliamentary, but if my Honourable friend is so fastidious, I will save habitual supporters of the Government. It has been stated that this Bill is being enacted for the purpose of suppressing the civil disobedience movement. I am free to confess in this House that the civil disobedience movement has not been held to be an illegal movement, and under certain circumstances, even justifiable. I will quote an authority, a very high authority, which will satisfy some of my Honourable friends who may have any doubt in the matter. I quote from page 41 (8th edition) of the Law of the Constitution by Mr. Dicey. This is what he says:

"Within the last thirty years, however, there has grown up in England and, indeed, in many other civilised countries, a new doctrine as to lawlessness. This novel phenomenon, which perplexes moralists and statesmen, is that large classes of otherwise respectable persons now hold the belief and act on the conviction that it is not only allowable, but even highly praiseworthy, to break the law of the land if the law breaker is pursuing some end which to him or to her seems to be just and desirable.

This view is not confined to any one class. Many of the English clergy (*a class of men well entitled to respect*), have themselves shown no great hesitation in thwarting and breaking laws which they held to be opposed to the law of the Church. Passive

resisters do not scruple to resist taxes imposed for some object which they condemn. Conscientious objectors are doing a good deal to render ineffective the vaccination laws. The militant suffragists glorify lawlessness, the nobleness of their aim justifies in their eyes the hopeless and perverse illegality of the means by which they hope to obtain votes for women."

**An Honourable Member:** What is the conclusion?

**Mr. Gaya Prasad Singh:** I go further and say that, under certain circumstances, even armed revolt against the tyrannies of the Government has been held to be morally justifiable. I am here merely referring to a psychological phenomenon which is evident not only in England but in many other civilised countries of the world, and India is no exception. Sir, at page 431, this is what Dicey says:

"No sensible man can refuse to admit",—*this is his opinion*,—"that crisis occasionally, though very rarely, arise, when armed rebellion against unjust and oppressive laws may be morally justifiable."

Sir, in this view, those of our countrymen, who have taken to the civil disobedience movement, are doing nothing which is morally unjustifiable. There is not an element of moral turpitude in it. I may or may not agree with them, I may or may not hold the same views which they hold, but it is dishonest on the part of any Honourable Member to ascribe dishonest motives to those who are resorting to them. Patriotism, after all, is not the monopoly of a particular class. Sir, I may differ from the Congress in many respects; I may differ in many respects from those who are attempting to bring about by that means a change in the system of Government; but one thing must be said to their credit that their patriotism has been tested on the touchstone of sincerity and self-sacrifice. Many of us, who come into this House at the fag end of our other business only to make a few speeches and to go away, are not fit even to untie the shoe laces of those great patriots whose life is a sermon in self-sacrifice and suffering like Mahatma Gandhi and many others. (Applause from the Nationalist Benches.)

It is claimed, Sir, that the provisions of the law, as it exists, is not sufficient to cope with the situation. If this be so, I must in the first place congratulate the Indian National Congress for their success in compelling the Government to bring a drastic legislation of this kind. Either the Congress represents a microscopic minority of the population, as it was said, on a historic occasion, by one of the great Viceroy's of India, or it represents the will of the bulk of the people of this country. If it represents only a microscopic minority of the population, this drastic legislation is unnecessary and should not be resorted to at all. If, on the other hand, it is conceded by the Government and by their habitual supporters that the Congress mentality is the mentality of the people at large, that the spirit of the Congress pervades the masses of the people, then, I say, that these drastic provisions will not succeed in killing the rising self-consciousness of the people, or to meet the situation which it is intended to meet.

Now, Sir, I should like to say a few words with regard to some of the provisions of the Bill, and whether actions taken under some of the Ordinances have been justifiable or not. There is one provision in the Bill which empowers the authorities to declare certain associations as



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illegal. Let us for a moment consider whether this power has been properly exercised in the past by the local authorities concerned or not. I have before me a list of Associations which were declared unlawful in Bombay only. This list includes such associations as the following:

Labour Welfare Centre,  
Foreign Cloth Boycott and Swadeshi Committee,  
Anti-Untouchability Committee,  
Prohibition Committee,  
Municipal Sub-Committee,  
Swadeshi Pracharak Mandal,  
Women's Association,  
Nationalist Muslim Party,  
Nationalist Christian Party.

These are some of the Associations which were declared illegal. (*An Honourable Member from the Nationalist Benches: "Shame."*)

**The Honourable Mr. H. G. Haig:** Can you judge them by their names?

**Mr. Gaya Prasad Singh:** I challenge my friend to produce evidence in support of his contention that, under the garb of these names, they have been doing things which can be regarded as unlawful or illegal. I shall be very happy to revise my opinion if my Honourable friend gets materials from the Bombay Government of the activities of these associations and places them on the floor of the House at a later stage, and then I shall be quite willing to withdraw whatever observations I may have made wrongly in this connection. Hartals have been declared illegal.

Then it is stated that the liberty of the people is being interfered with by the Congress people. Now, I ask, are not the shopkeepers at liberty to close their shops on a particular day if they so desire? If it is open to one man to close his shop, it should be open to quite a number of men to close their shops voluntarily on a particular occasion. If these people have been molested or tyrannised over by the Congress men, then certainly action can be taken against them, and they must be punished. In my own province, in Dinapore town, a number of persons closed their shops in celebration of what is known as the Peshawar Victims Day, and the matter was brought before the Magistrate. The accused were handcuffed, they were tied with ropes, and they were refused bail. (*An Honourable Member: "Shame."*) That was in February last, and the Magistrate of Dinapore writes on his Order-Sheet, dated 1st February, 1932, as follows:

"This is a typical piece of civil disobedience, and it follows that all shopkeepers who closed their shops and observed Hartal on that day were assisting the operations of the unlawful Congress association and are guilty under section 17 (1) of the Criminal Law (Amendment) Act."

**An Honourable Member:** Absurd.

**Mr. Gaya Prasad Singh:** Newspapers have actually been asked to refrain from criticising the actions of the police or of the Government or of its officials. Fathers or guardians have been actually sentenced to

imprisonment, or fine, for not paying the fine imposed upon their sons or wards. District Magistrates have sometimes called upon dealers of foreign cloth and have actually asked them or rather encouraged them to sell foreign cloth under Government protection. If they are being molested or interfered with by the Congress volunteers or anybody else, it is a crime which ought to be punished under the law. Under the provisions of one of these Ordinances which has been enshrined in this Bill, a Magistrate in Bengal actually issued a notice upon a vegetable seller forcing him to sell vegetables for one month in that town. I brought this fact to the notice of my Honourable friend, the Home Member, and he was pleased to promise to write to the Bengal Government on the subject. If I remember aright, that was the gist of his reply. Sir, in Calcutta, notice under the Emergency Powers Ordinance was served on such an eminent lady as Shrimati Urmila Devi, sister of the late Deshbandhu Das, restraining her movements within a limited area surrounding her residence. If I remember aright, that was the text of the notice itself. The Deputy Commissioner of North Calcutta in a meeting of the shopkeepers said that he was empowered under the Ordinance to seal the shops in case they closed them in connection with any hartal. I am giving just a few examples at random to show how the Ordinances, which were enacted in the past, have been actually working in different provinces.

**The Honourable Mr. H. G. Haig:** Are those powers all reproduced in the Bill as it is before the House?

**Mr. Gaya Prasad Singh:** My contention is that judging from the way in which your officials have administered the Ordinances, which were promulgated by His Excellency the Governor General, your officials are not fit to exercise that amount of power which you are proposing to give under this Bill. Sir, this is an incident which happened in Gopalganj, Bengal. Sriyuts Sudhir Chandra Roy Chaudhury, B.Sc., B.L., and Bhuban Mohan Saha, M.A., B.L., pleaders, were served with notices in February last, under the Emergency Powers Ordinance, directing them not to leave the Gopalganj Town area and take part in any political activities, and to report themselves, in person to the officer in charge, local police station, daily, for a period of one month. Similar notices were served on six other local gentlemen. My Honourable friend, Sir Muhammad Yakub, said that political activities have not been prohibited under the law. The text of the notice itself shows that these respectable persons, educated gentlemen, holding some position in local society, were debarred from participating in any legitimate political activities and their movements were restricted for a considerable time. And then insult was added to injury by asking them to report themselves to the police daily. If they committed any offence, the arm of the law is long enough to catch them and to deal properly with them.

"The District Magistrate of Comilla"

—I am reading out from the *Hindustan Times* dated the 21st January, 1932—

"The District Magistrate here has decided to address meetings of students every evening. To make sure of his audience, the Magistrate has caused notices to be served on the heads of all educational institutions, including the local college, to co-operate with the police for two hours every evening, by sending two representatives of each institution every evening to the police station, for the purpose of identifying the students present at the meetings to be addressed by the Magistrate."

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This is trying to manufacture loyalty by coercion! In Lahore, two notices were served under the Emergency Powers Ordinance on two sisters, Miss Manmohini Zutshi, M.A., *ex-President* of the Students' Union, and Miss Shyam Zutshi, B.A., asking them not to participate in any procession and meeting, and not to go beyond the limits of the Lahore Municipal area for one month.

This happened in February last.

Then, Sir, another incident which happened in the Bengal Presidency was this:

"A Naldanga report says that notices were served on Mr. Surendra Lahiri, a well-known zemindar of the locality, and two other persons, directing them to be present at the station on November 17, when a contingent of soldiers will arrive, and to make all necessary arrangements including arrangements for supply of food for the contingent."

This is from the *Hindustan Times*, dated the 16th November, 1932, that is, today. This is what happened in a college at Lucknow in January last: Students of the Lucknow Christian College went on strike as a protest against a notice served on a professor asking him not to attend classes with khaddar dress.

I do not know whether the authority concerned scented sedition under the folds of khaddar.

In January last, the authorities served a notice on the All-India Spinners' Lucknow Branch Khaddar Depot, under the Emergency Powers Ordinance, not to allow Congressmen to visit the *Bhandar*.

Another incident which happened in Lucknow in February last was this; and this I take from the *Hindustan Times* of the 14th February:

"Various merchants, including Messrs. Ramrattan Gurprasad Kapoor, Buddhulal Lallimal, Rattansingh and Govardhan Khanna have been called upon to show cause under the Emergency Powers Ordinance why they should not leave Cawnpore or live five miles away within four days."

These are some of the specimens of orders served under the Ordinances which have been promulgated from time to time. In Lucknow what happened in March last was this:

"The Manager of the Charkha Sangha and the Khaddar Bhandar received notices from the District Magistrate to the effect that these institutions should not sell Congress flags to anybody. On representation, the District Magistrate issued another order to the Manager granting him permission to continue selling national flags for the purpose of display in private homes and shops only. But the order further runs:

"You are warned that in case any flag sold by you is used for aggressive demonstrations, there will be a strong presumption that you had your support for such demonstration and that you had laid yourself open to consequent penalty."

I may take some more time, Sir.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): How many instances is the Honourable Member going to give? The Honourable Member should direct his attention to the Bill. His whole speech has been one of instances, without connecting them with the Bill that is now

before the House. He may quote occasionally an instance or two illustrating what is likely to happen if certain provisions of the Bill are accepted by the House. The Honourable Member cannot quote instances which have no bearing on the subject-matter now under consideration of the House.

**Mr. Gaya Prasad Singh:** If you say, Sir, that instances from the past are not relevant to the present issue, I shall bow to your ruling.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Chair has never said that. The Chair will allow the Honourable Member to quote instances relevant to the provisions embodied in the Bill, pointing out that if the House enacts the measure in its present form, it is liable to such evils as may have happened in the past. In dealing with the different clauses of the Bill, he may quote instances relevant to them. Reading out a series of instances, without in any way attempting to connect them with the Bill, cannot be allowed.

**Mr. Gaya Prasad Singh:** Then I shall have to enter in some detail into the provisions of the Bill.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): That is the only way in which he can make them relevant.

**Mr. Gaya Prasad Singh:** Now, Sir, clause 4 of the Bill runs as follows. I will read out the clause and then give instances.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): By all means, but the instances must have a bearing on the provisions of the Bill.

**Mr. Gaya Prasad Singh:** If there are no instances, I will offer my own comments.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Certainly, you are welcome to do so.

**Mr. Gaya Prasad Singh:** Clause 4 runs as follows:

"Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services or fail in his duty, refuses to deal with or to let on reasonable rent a house usually let for hire or land not being cultivated land to, or to render any customary service to such public servant or any member of his family on the terms on which such things would be done in the ordinary course or withholds from such person or his family such medical service . . . shall be punished with imprisonment, etc. etc."

My first comment in connection with this clause is that it is too wide and liable to abuse in many cases. The clause says "whoever, with intent to harass any public servant." The word "harass" has not been defined in the first place. In legal phraseology such terms ought to be clearly defined, and the scope of the mischief ought to be limited as far as possible. Then it says "fail in his duty." That is also a wide and comprehensive expression and liable to abuse in more ways than one. Then again "refuses to deal with or to let on reasonable rent a house usually let for hire." Take for instance the case of a money lender. He

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refuses to lend money to a public servant. Then this clause, as it is worded, will compel the *mahajan* to lend money to a Government servant. Will any of my Honourable friends seriously say whether the mischief, which I contemplate, is not inherent in the wording of this clause? Then "house usually let for hire." There may be good reasons why a house usually let for hire is refused to a particular tenant. The tenant may be of a quarrelsome nature, of a boisterous temperament or he may be a bad paymaster. Then, Sir, there are certain sections of the community, for instance the Jains, who would not let out their house to a man who takes animal food, and so on. There might be other considerations which might weigh with a man in refusing to let out a house to a Government servant. Then "land not being cultivated land." You are forcing a man not only to let his house to a public servant, but also compelling him to provide an orchard for vegetables to be grown on it. Surely he does not want this land for the purpose of discharging his official duties. Then "to render any customary service." What is this customary service? If a barber refuses to shave, is he punishable under the provisions of this law?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): How long does the Honourable Member expect to take?

**Mr. Gaya Prasad Singh:** I will take some considerable time.

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**Mr. President:** The Honourable Sir Brojendra Mitter.

**The Honourable Sir Brojendra Mitter** (Leader of the House): As regards the business for next week, I propose that we go on with this matter. If there be anything new which I have to mention to the House, you will permit me to state it on Monday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st November, 1932.

# LEGISLATIVE ASSEMBLY.

*Monday, 21st November, 1932.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## MEMBERS SWORN.

The Honourable Sir George Schuster, K.C.S.I., K.C.M.G., C.B.E., M.C. (Finance Member); and Sir Alan Parsons, Kt., C.I.E., M.L.A. (Finance Secretary).

## QUESTIONS AND ANSWERS.

### POSITION OF MUSLIMS IN THE CONSTITUTIONAL REFORMS.

1271. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state whether they are aware that while laying before His Majesty's Secretary of State for India, in the 5th Despatch on the Indian Constitutional Reforms, No. 4 of 1919, dated Simla, April 23, 1919, their views upon the proposals for franchise and constituencies and the composition of the reformed legislative bodies, they have said:

(a) In paragraph 19:

"As you are aware, representatives of the Indian National Congress and the All-India Muslim League met at Lucknow in December, 1916, and arrived at an agreement respecting the proportion of seats to be allotted to the Muhammadan members in the various Provincial Legislatures and the Legislative Council."

(b) In paragraph 22:

"If we were writing on a clean slate, we should greatly desire to establish a ratio of Muhammadan seats which would bear a closer relation with their strength as a community, while amply fulfilling our undertakings to safeguard them as a minority."

(c) In paragraph 22 again:

"In the first place, the Muhammadans have been definitely promised some electoral advantage on the ground of their political importance. We should have to measure that advantage and to fulfil that promise."

(d) In paragraph 22 again:

"Past history and the presence of Muhammadan centres count for much."?

**The Honourable Sir Brojendra Mitter:** Sir, with your permission, I will answer questions Nos. 1271 to 1275 together. Government are aware of the quotations cited by the Honourable Member.

## POSITION OF MUSLIMS IN THE CONSTITUTIONAL REFORMS.

†1272. \*Mr. M. Maswood Ahmad: Are Government aware that Sir William Vincent has said about the Muslims of Bengal in the same Despatch:

(a) "The Muslims of Eastern Bengal stand in need of protection perhaps more than any other part of their community. They are, as the despatch says, impoverished and backward, and, unless we specially help them, will have little chance in competition with other communities. This was shown in the days before partition when their interests did not secure sufficient bearing. The desire to help the Eastern Bengal Muhammadans was one of the reasons for the partition of Bengal. That the position improved, while the province of Eastern Bengal and Assam lasted, is a well-known fact. The re-partition of 1912 came as a heavy blow to many of them. I doubt, whether in the Lucknow Agreement of December, 1916, their interests were adequately represented".

(b) "I consider that they should get representation in the Bengal Legislative Council in proportion to their population strength".

(c) "I accept the principles laid down in para. 22 of the Despatch. They lead me to conclude that what is wanted is a sliding scale in which the (weightage) given to Muhammadans increases as their numerical weakness does. We have, as the Despatch says, to measure the advantage to be given to them. To do so, some arbitrary assumptions must obviously be made. The fewer and simpler these are, the better. Where the Muhammadans are in a census majority, let them get representation in that proportion"?

## POSITION OF MUSLIMS IN THE CONSTITUTIONAL REFORMS.

†1273. \*Mr. M. Maswood Ahmad: Are Government aware that:

"Lord Minto gave, on behalf of the Government of India, a binding pledge to the Muhammadans which Lord Morley endorsed and Lord Hardinge repeated that their position should be estimated not merely on their numerical strength, but with respect to their political importance?"

## POSITION OF MUSLIMS IN THE CONSTITUTIONAL REFORMS.

†1274. \*Mr. M. Maswood Ahmad: Are Government aware that the scheme of reforms passed at the 31st Session of the Indian National Congress held at Lucknow on the 29th December, 1916, and adopted by the All-India Muslim League at its meeting on the 31st December, 1916, embodies:

"Provided, further, that no Bill, nor any clause thereof, nor a resolution introduced by non-official members affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the Bill or any clause thereof or the resolution?"

## POSITION OF MUSLIMS IN THE CONSTITUTIONAL REFORMS.

†1275. \*Mr. M. Maswood Ahmad: Are Government aware that the scheme of reforms passed at the 31st Session of the Indian National Congress, held at Lucknow on the 29th December, 1916, embodies 50 per cent. for the Muslims in the Punjab Legislative Council by the separate electorate while, by the Premier's decision, Muslims of the Punjab will get less than 50 per cent. seats by the separate electorate?

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†For answer to this question, see answer to question No. 1271.

**ABSENCE OF STATUTORY MAJORITY FOR MUSLIMS IN THE PUNJAB AND THE BENGAL LEGISLATIVE COUNCILS.**

**1276. \*Mr. M. Maswood Ahmad:** Are Government aware:

- (a) that in spite of the weightage given to minorities, Hindus in Madras, Central Provinces, United Provinces, Bombay and Bihar and Orissa will be in clear majority; and
- (b) that Muslims in the Punjab and Bengal did not get a statutory majority in their Legislative Councils?

**The Honourable Sir Brojendra Mitter:** I can only refer the Honourable Member to the Communal Decision.

**REDUCTION OF THE MAJORITY COMMUNITY TO MINORITY OR EQUALITY IN THE PROVINCIAL LEGISLATIVE COUNCIL.**

**1277. \*Mr. M. Maswood Ahmad:** Are Government aware that the Premier definitely promised that the community in majority will not be reduced to minority or equality in the Provincial Legislative Councils?

**The Honourable Sir Brojendra Mitter:** I have not seen the statement attributed to the Prime Minister.

**Mr. M. Maswood Ahmad:** Are Government aware of the statement of Mr. Ghuznavi made on the 5th September in this House that the Prime Minister did give us that assurance?

**The Honourable Sir Brojendra Mitter:** At the moment I have not that present to my mind, but if the Honourable Member wants any further information, I shall look up that statement and give further information, if necessary.

**Mr. K. Ahmed:** Do I understand, Sir, that while speeches are made by the Prime Minister with regard to this Round Table Conference and matters ancillary to it, the Government of India and, particularly, the Honourable the Law Member does not keep himself informed of them?

**The Honourable Sir Brojendra Mitter:** Will the Honourable Member kindly repeat the question? I really could not follow it.

**Mr. K. Ahmed:** It is as plain as water. Do I understand that the Honourable the Law Member has not been keeping himself familiar with what took place at the Round Table Conference and with the speeches ancillary to it made by the Prime Minister from time to time?

**The Honourable Sir Brojendra Mitter:** The Law Member does follow the proceedings of the Round Table Conference just as other Honourable Members do, but he cannot be expected to remember everything taking place there at all times. If, however, any particular point arises, then he can look it up.

**Mr. K. Ahmed:** There are the particular points raised with regard to these two questions, Nos. 1276 and 1277.



**The Honourable Sir Brojendra Mitter:** I have said that I shall look it up.

**Mr. K. Ahmed:** That will be of no use to us and to the Assembly.

#### PLEDGES GIVEN TO MUSLIMS.

1278. **\*Mr. M. Maswood Ahmad:** Do Government propose to draw the attention of the Premier and the authorities concerned to the binding pledges and to the questions raised in the preceding seven questions?

**The Honourable Sir Brojendra Mitter:** In view of paragraph 4 of the Communal Decision, Government do not propose to take any action.

#### SEATS ALLOTTED TO NON-MUSLIMS IN THE NORTH-WEST FRONTIER PROVINCE UNDER THE COMMUNAL AWARD.

1279. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total population of the North-West Frontier Province is 2,425,076 persons, of which 42,510 are Sikhs, 2,227,303 Muslims and 155,263 general (including Hindus, Buddhists, Zoroastrians, Christians, Jews, etc.)?

(b) Is it a fact that Sikhs are less than 1.8 per cent. in the province, while they will get 6 per cent. seats of the whole House by separate electorates by the Premier's decision which will be about four times of their share on population basis?

(c) If the reply to parts (a) and (b) be in the negative, will Government be pleased to state the correct figures?

(d) Have Mussalmans of any province got seats, by separate electorate, in the same proportion to the population basis as the Sikhs have got in the North-West Frontier Province according to the Premier's decision?

**The Honourable Sir Brojendra Mitter:** With your permission, Sir, I propose to deal with questions Nos. 1279 to 1281 together.

I am prepared to accept the figures quoted by the Honourable Member as generally correct. As to the rest, I am not in a position to add anything to what is already laid down in the Communal Decision.

#### SEATS ALLOTTED TO MUSLIMS IN MADRAS UNDER THE COMMUNAL AWARD.

† 1280. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that according to the Premier's decision general seats in the North-West Frontier Province will be 18 per cent. in the whole House of the Provincial Legislature, while the population of the general (leaving Muslims and Sikhs) is less than 6.5 per cent. of the whole population of the Province?

(b) Is it a fact that the general constituency will be separate in which Muslims cannot contest?

(c) Is it a fact that the Muslim population in the Madras Province is more than 7 per cent. while, according to the Premier's decision, Muslims of the Madras Province will get 13.8 per cent. seats in the whole House of the Provincial Legislature?

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†For answer to this question, see answer to question No. 1279.

**SEATS ALLOTTED TO MUSLIMS IN BIHAR AND ORISSA UNDER THE COMMUNAL AWARD.**

†1281. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that general *cum* Sikhs are 8·1 per cent. in population in the North-West Frontier Province while they will get, according to the Premier's decision, 24 per cent. seats in the whole House in the Provincial Legislature?

(b) Is it a fact that Muslims in Bihar and Orissa are more than 11 per cent. while they also will get the same 24 per cent. seats in the whole House in their Provincial Legislature?

**FRANCHISE FOR MUSLIM LANDHOLDERS IN BIHAR AND ORISSA.**

1282. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware how many Muslim Landholders have been returned in the Bihar and Orissa Legislative Council through the Landholder's Constituency in the last three Elections after the Reforms of 1920?

(b) Will Government be pleased to state the corresponding figures in connection with part (a)?

(c) Are Government aware that Muslims are petty Landholders in Bihar and Orissa and, unless a low franchise is fixed, it will be difficult for them to be eligible for voting?

(d) Do Government propose to draw the attention of the authorities and to consider how Muslim Landholders can get at least one of the five seats specially reserved for the Landholders of the Bihar and Orissa Province?

**The Honourable Sir Brojendra Mitter:** (a) None.

(b) It is not quite clear what corresponding figures the Honourable Member wants.

(c) Government are aware of the existence of numerous petty Muslim landholders.

(d) Government do not propose to take the action suggested by the Honourable Member. In this connection I would invite the Honourable Member's attention to paragraph 4 of the Communal Decision.

**Mr. M. Maswood Ahmad:** Is there any difficulty in drawing the attention of the authorities to this fact?

**The Honourable Sir Brojendra Mitter:** Sir, paragraph 4 of the Communal Decision provides for the communities coming to an agreement, and I would invite the Honourable Member's attention to the terms of that paragraph. It is a matter for the communities now and not for the Government.

**Mr. M. Maswood Ahmad:** I remember that it is said about the Punjab and Bengal in paragraph 18 of the Decision, that the Award will not be open to change, but that for other minor provinces changes will be possible, and that Government have reserved the right for slight variations. Is that or is that not a fact?

**The Honourable Sir Brojendra Mitter:** If the Honourable Member will read that paragraph carefully, he will see that alterations will be possible provided the communities concerned come to an agreement. So it is a matter for the communities concerned and not a matter for the Government.

**Mr. K. P. Thampan:** May I know, Sir, how the interests of Muslim landholders, as such, are different from those of the Hindu landholders?

**Mr. M. Maswood Ahmad:** In many respects.

**The Honourable Sir Brojendra Mitter:** That question might well be addressed to my Honourable friend, Mr. Maswood Ahmad, instead of to me.

**Mr. M. Maswood Ahmad:** I am ready to explain.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order.

#### WOMEN LANDHOLDERS IN BIHAR AND ORISSA.

1283. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that women as well are Landholders in Bihar and Orissa?

(b) Do Government propose to draw the attention of the authorities concerned to keep in view the point of safeguarding the interests of women Landholders while making rules for the Landholders' elections?

**The Honourable Sir Brojendra Mitter:** (a) and (b). This is a matter for investigation primarily by the local authorities. A copy of the Honourable Member's question will be forwarded to the Government of Bihar and Orissa.

#### RESERVATION OF SEATS FOR HANDLOOM WEAVERS IN THE LEGISLATURES.

1284. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the handloom weavers are a special class of labour in British India and that they are to be found in all the provinces?

(b) Are Government aware that the handloom weaving labour is a special kind of labour which is quite different from other kinds of labour?

(c) Are Government aware that *charkha* yarn is used generally in handlooms only?

(d) Are Government aware that *khaddar* is woven on handlooms by handloom weavers belonging to different communities?

(e) Do Government propose to draw the attention of the authorities concerned to consider the desirability of reserving some seats for handloom weaving labour in Provincial and the Central Legislatures?

**The Honourable Sir Brojendra Mitter:** (a) No. I understand that while handloom weaving is the sole occupation of considerable numbers, it is also done by persons who have other occupations.

(b) One kind of labour naturally differs from another kind and I am not sure what peculiarities the Honourable Member has in mind.

(c) and (d). Yes.

(e) No.

**RESERVATION OF SEATS FOR HANDLOOM WEAVING COTTAGE INDUSTRY IN THE LEGISLATURES.**

**1285. \*Mr. M. Maswood Ahmad:** (a) Are Government aware that amongst other industries there is a handloom weaving cottage industry?

(b) Do Government propose to consider and to draw the attention of the authorities to reserve a seat from amongst the industrial seats of the Provincial and Central Legislatures for the handloom weaving cottage industry?

**The Honourable Sir Brojendra Mitter:** (a) Yes.

(b) No.

**RELIEF TO INDIA IN THE INTEREST CHARGES OF WAR CONTRIBUTION.**

**1286. \*Mr. M. Maswood Ahmad:** (a) Will Government inform the House of the relief that has accrued or is likely to accrue to India in the interest charges of the War contribution, on account of the recent conversion of the War Loan to  $3\frac{1}{2}$  per cent.?

(b) Has there been any communication on the subject of reduction of interest of War contribution between the Government of India and the British Government? Will Government lay on the table the copies of the despatches on this subject?

(c) Has any agreement been reached between the Government of India and His Majesty's Government on the question of repayment of the interest for the period of the Hoover Moratorium? If so, what?

**The Honourable Sir George Schuster:** These matters are under consideration.

**RATE OF INTEREST ON INVESTMENT OF BALANCES IN THE HOME TREASURY.**

**1287. \*Mr. M. Maswood Ahmad:** Will Government be pleased to state the rates of interest at which the amount of balances in the Home Treasury in the six months of this year were invested?

**The Honourable Sir George Schuster:** The average rate of discount at which British Treasury Bills were purchased by the Secretary of State for the investment of balances in the Home Treasury and in the Gold Standard Reserve during the half year ended 30th September, 1932, was 1.024 per cent. per annum, the highest rate being 2.44 per cent. and the lowest .375 per cent.

**RECOMMENDATIONS OF THE TRIBAL CONTROL AND DEFENCE COMMITTEE.**

**1288. \*Mr. M. Maswood Ahmad:** Will Government be pleased to lay on the table the recommendations of the Tribal Control and Defence Committee with a list of recommendations which have been adopted, which have not been adopted and of those which are under consideration?

**Mr. H. A. F. Metcalfe:** The Government regret that they are not prepared to lay on the table the recommendations of the Tribal Control and Defence Committee nor the lists asked for by the Honourable Member.

Such lists would be meaningless except when read as part of the Committee's Report, which cannot be made public because it contains much information the publication of which would not be in the public interest.

**IMPORT AND EXPORT OF PADDY AND RICE TO AND FROM CALCUTTA.**

**1289. \*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state:

- (i) the total quantity and the value of the import and export of paddy and rice to and from Calcutta; and
- (ii) names of ports from which or to which paddy and rice were imported or exported, and the different figures for each port?

(b) If it is not recorded separately, do Government propose to direct to record it separately in the Sea-borne Trade Account?

(c) Are Government aware that paddy is the chief agricultural product of Bengal and Bihar and Orissa?

**The Honourable Sir Joseph Bhoré:** (a) and (b). The Honourable Member is referred to pages 42, 65, 76, 82, 104, 141, 152, 185 and 204 of Volume II of the Annual Statement of the Sea-borne Trade of British India for the fiscal year ending 31st March, 1931, copies of which are in the Library. The Statement for the year ending 31st March, 1932, is in course of preparation and, when available, copies will, as usual, be placed in the Library.

(c) Yes.

**Mr. K. Ahmed:** Is it not a fact that almost all the points raised in all the questions regarding export and import asked by Mr. Maswood Ahmad could be answered by reference to the volumes of the Sea-borne Trade of India which are available in the Library of the House?

**Dr. Ziauddin Ahmad:** May I draw the attention to the fact that the reference to the volumes of the Sea-borne Trade of India only means that Members are deprived to put supplementary questions, and this right is taken away from us?

**The Honourable Sir Joseph Bhoré:** My Honourable friend can always give notice of another question framed on the information which will be found available in the Library.

**Mr. M. Maswood Ahmad:** I know that all this information is available either in the Secretariat Library or in the Assembly Library to the Members, but we want the Honourable Member to give it on the floor of the House so that we may put questions and get all the figures collectively in one place.

**The Honourable Sir Joseph Bhoré:** I have given the Honourable Member the precise references in the Volume so as to facilitate his inquiry.

STANDING CENTRAL ADVISORY COMMITTEE ON AGRICULTURE.

1290. \***Mr. M. Maswood Ahmad:** (a) Is there any standing Central Advisory Committee on Agriculture?

(b) Will Government be pleased to state the names of the members of the Standing Committee on Agriculture?

**Mr. G. S. Bajpai:** (a) and (b). There is no Standing Committee of the Indian Legislature to advise exclusively on agricultural questions. Such questions may, however, be referred to the Standing Committee which advises the Education, Health and Lands Department on all subjects other than Haj Pilgrimage and Indians Overseas. A statement showing the names of the members of this Committee is placed on the table.

*Names of members of the Standing Advisory Committee attached to the Department of Education, Health and Lands for subjects other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage'.*

*Chairman.*

The Member of the Governor General's Executive Council in charge of the Department of Education, Health and Lands.

*Members.*

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| 1. The Hon'ble Sir David Devadoss.               | } Members of the Council of State.     |
| 2. The Hon'ble Saiyid Md. Padshah Sahib Bahadur. |  |
| 3. Rai Bahadur L. Brij Kishore.                  | } Members of the Legislative Assembly. |
| 4. Raja Bahadur G. Krishnamachariar.             |  |
| 5. Rao Bahadur B. L. Patil.                      |  |

**Mr. M. Maswood Ahmad:** Are Government aware that India is an agricultural country and, therefore, a Special Committee for agriculture is required to protect the rights of the poor agriculturists?

**Mr. G. S. Bajpai:** That is a simple fact and is obvious even to Government.

**Dr. Ziauddin Ahmad:** Did this Committee ever meet in the year 1932?

**Mr. G. S. Bajpai:** The year 1932 is not over yet, Sir.

**Dr. Ziauddin Ahmad:** Did the Committee ever meet in the year 1931-32 from April 1931 to March 1932?

**Mr. G. S. Bajpai:** I would like to have notice of that question, Sir. I cannot say off-hand.

MOVE OF THE GOVERNMENT OF INDIA OFFICES BETWEEN DELHI AND SIMLA.

1291. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that, owing mainly to the shortage of water supply in New Delhi, it has not been found possible to arrive at any final decision in the matter of the move of the Government of India offices from Delhi to Simla?

(b) Will Government be pleased to state what will be the cost for improving the water supply to remove the trouble?

(c) What will be the annual saving if the recommendation of the Committee in the matter of the move of the Government of India offices be accepted?

**The Honourable Sir George Schuster:** (a) Yes.

(b) A scheme is under consideration for increasing the water supply by instalments in accordance with the probable growth of population in New and Old Delhi. Government have not yet decided how many instalments of the scheme they should undertake meantime nor whether funds will be available next year to initiate the extension.

(c) If the General Purposes Committee's main recommendation that Departments should be left in Delhi all the year round were adopted, the direct saving would be nearly 9½ lakhs, fully half of which would be at the expense of the North Western Railway. This direct saving would be counterbalanced to a considerable extent by the extra capital expenditure needed to make New Delhi habitable by a much larger population all the year round.

**Mr. S. G. Jog:** How long will it take to develop the scheme?

**The Honourable Sir George Schuster:** The Honourable Member will see from the wording of my answer that there are various possible schemes. The schemes may vary according to the instalments by which they are undertaken and according to the estimate of what the growth of population is that has to be allowed for. I cannot answer the Honourable Member's question in reference to a particular scheme, because various alternative schemes are under consideration and Government have not yet decided what would be the best scheme to adopt.

**Mr. M. Maswood Ahmad:** Do Government propose to stop the wastage of water in New Delhi which is very frequent by putting meters in quarters and other places and stopping the fountains and thereby increase the water supply in Old Delhi?

**The Honourable Sir George Schuster:** Government are considering schemes for metering the supply of water in the areas in which water is now being wasted.

† 1292. \*

#### SHORTAGE OF WATER SUPPLY IN OLD DELHI.

1293. \***Mr. M. Maswood Ahmad:** (a) Are Government aware of the troubles in Old Delhi due to the shortage of water supply?

(b) Will Government be pleased to state the detailed schemes if any, under consideration, for removing the above-mentioned troubles?

**Mr. G. S. Bajpai:** (a) and (b). Government received some complaints with regard to the shortage of water supply in Delhi during the last summer. A scheme for the improvement of water supply has been prepared and is under consideration.

†This question was withdrawn by the questioner.

INSTALLATION OF WATER METERS IN GOVERNMENT QUARTERS IN NEW DELHI.

1294. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware of the waste of water in the quarters of New Delhi?

(b) Have meters been fixed in the water supply pipes in the quarters in New Delhi?

(c) Will Government be pleased to state the scheme, if any, under consideration, to stop the waste of water in New Delhi?

**Mr. G. S. Bajpai:** (a), (b) and (c). Government understand that wastage takes place mainly in clerks' quarters which are not fitted with meters, and proposals for making good this defect are under consideration.

NUMBER OF APPEALS TO THE PRIVY COUNCIL.

1295. **\*Mr. Bhuput Sing** (on behalf of Pandit Ram Krishna Jha): Will Government be pleased to state:

(a) the number of appeals from decrees and from orders of each of the High Courts and Judicial Commissioner's Court, and Chief Courts in India to the Privy Council during each of the years 1925—1932;

(b) the number of such appeals as aforesaid (from each of the aforesaid courts) allowed by the Privy Council during each of the years 1925 to March, 1932; and

(c) in how many cases since 1925 has the Privy Council made observations regarding the delay in the disposal of cases in each of the High Courts or Courts subordinate thereto?

**The Honourable Mr. H. G. Haig:** I have called for the information and will communicate it to the House in due course.

RECRUITMENT OF THE PROVINCIAL PEOPLE TO THE INDIAN SERVICE IN THE PUBLIC WORKS DEPARTMENT.

1296. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state whether it is a fact that an order has recently been issued by the Government of India, stating therein that recruitment of the provincial people to the Indian Service in the Public Works Department will be stopped until the rules for Class One Service are promulgated?

(b) Are Government aware that this sort of promulgation has created resentment among the Provincial Service?

(c) Have Government considered the question whether it is advisable to cancel the above order and promulgate orders to the effect that, pending the promulgation rules, recruitment be continued as heretofore?

**The Honourable Sir Frank Noyce:** (a), (b) and (c). Government have not issued any order of the nature mentioned, but they have decided, with the approval of the Secretary of State, to suspend further recruitment to the Indian Service of Engineers either by promotion from Provincial Engineering Services or by open competition pending a decision on the recommendation of the Services Sub-Committee of the Indian Round Table Conference that the Irrigation Branch of the Service should be provincialised.



## FORMATION OF PORT HAJ COMMITTEE.

1297. \***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether the formation of Port Haj Committees at the various centres, according to the new Act passed on the 16th September, 1932, on the floor of the House, is arranged to come into force before the commencement of the ensuing Haj season?

(b) If the reply to part (a) above be in the negative, are Government prepared to issue orders to the authorities concerned to constitute the said Committees before the ensuing Haj season, which commences in January?

**Mr. G. S. Bajpai:** (a) and (b). The Governments of Bombay and Bengal have been requested to make every effort to set up the Committees at Bombay, Karachi and Calcutta, if possible, before the commencement of the ensuing Haj season.

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INVESTIGATING INSPECTORS ATTACHED TO THE OFFICE OF THE POSTMASTER  
GENERAL, BOMBAY.

1298. \***Mr. S. G. Jog** (on behalf of Sardar G. N. Mujumdar): With reference to the reply given on the 6th September, 1932, to my starred question No. 64, will Government be pleased to state:

- (a) whether there were distinct cadres, one for clerks working in the office of the late Deputy Postmaster-General, Railway Mail Service, Western Circle, and the other for sorters working in the Divisions of the Circle;
- (b) whether the selection grade posts in the said Circle office were meant only for the clerks working in that office;
- (c) whether Inspectors attached to that office were merely attached officers and appointments to those posts were meant only for men in the Divisions and the clerks of the Circle office had no claim over them;
- (d) whether not less than 18 clerks, originally recruited for the Circle office, were appointed as Inspectors and that this was pointed out to the Director-General, Posts and Telegraphs, by the All-India (including Burma) Postal and Railway Mail Service Union; and
- (e) if the replies to parts (a) to (d) above be in the affirmative, why Messrs. S. V. Panwalkar and P. R. Gokhale were allowed to qualify themselves for the posts of Inspectors, Railway Mail Service, when they were originally recruited as clerks for the Circle office and the posts were meant for men in the Divisions?

**Mr. T. Ryan:** (a) Yes.

(b) Yes, except the posts of Inspectors attached to the Circle Office which belonged to the Inspector's cadre.

(c) The reply to the first part of the question is in the affirmative. As regards the last part, appointments to the cadre of Inspectors, R. M. S., were made from clerks, whether belonging to the Divisions or to the Circle Office, who had passed the qualifying examination for such posts.

(d) Government have no information nor is any reference on this subject, from the All-India including Burma Postal and R. M. S. Union, traceable,

(e) Does not arise in view of the replies given to parts (c) and (d) above.

**RETRENCHMENT IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.**

**1299. \*Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) whether retrenchment has recently taken place in the office of the Indian High Commissioner in London;
- (b) if so, the nature of such retrenchment whether it is by reduction of pay or by complete discharge;
- (c) if by reduction of pay, the proportion of such reduction in the salary;
- (d) if by complete discharge, the number of men altogether discharged specifying their nationalities;
- (e) how many hands there were in all in the office before the discharge;
- (f) the reason or reasons for which the retrenchment operations have been undertaken; and
- (g) whether the salaries and emoluments of the High Commissioner and his immediate subordinates have been affected for the sake of retrenchment in his office?

**The Honourable Sir Joseph Bhore:** The information is being collected and, when complete, will be laid down on the table.

**Mr. Lalchand Navalrai:** Is there any truth in the statement that we have been reading in the papers that the Secretary of State has announced that there will be a retrenchment in the pay and salaries of the Imperial Services in India?

**The Honourable Mr. H. G. Haig:** The Honourable Member is possibly referring to proposals for considering whether the pay of the future recruits to the All-India Services should be modified or not. That matter is, at the moment, under consideration.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to supply this House with the information as to how many Indians with the Communities they belong to and Europeans there are in that staff as a whole?

**The Honourable Sir Joseph Bhore:** I do not know to what question my Honourable friend is referring?

**Mr. M. Maswood Ahmad:** It relates to question No. 1299 about which the Honourable Member is going to lay the information on the table.

**The Honourable Sir Joseph Bhore:** I will see if that information is readily available and, if it is, I shall incorporate it in the reply.

**Mr. S. G. Jog:** Are Indians given any preference for the clerkship in the office of the High Commissioner for India?

**The Honourable Sir Joseph Bhore:** I must have notice of that question.

### ARRIVAL AT MATIABURJ, CALCUTTA, OF REPATRIATED INDIANS FROM SOUTH AFRICA.

1300. \***Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) whether they have information that a large number of repatriated Indians from South Africa have recently been landed in the suburbs of Calcutta;
- (b) if the answer to part (a) be in the affirmative, whether they are aware that they are homeless and workless;
- (c) whether they are aware that most of them have got families and children with them;
- (d) whether they are aware that some gentlemen have been trying to save them from starvation by begging subscriptions from public men of Calcutta;
- (e) whether they are aware that only recently they wanted to march in procession to the Writers' Buildings to lay their present troubles and grievances before the authorities;
- (f) whether they are aware of the letter which Sir Deva Prasad Sarbadhikary of Calcutta has recently contributed to the press detailing the troubles and grievances of the repatriated Indians landed in Calcutta and whether they are aware that it has become a problem with the citizens of Calcutta; and
- (g) what steps they have already taken or propose to take to ameliorate the miseries of the repatriated persons forthwith?

**Mr. G. S. Bajpai:** The Honourable Member is referred to the answer given by me on the 16th instant to Mr. Sukhraj Roy's question No. 1256 and to the supplementary questions arising out of it.

### COMMISSIONED OFFICERS OF THE INDIAN MEDICAL DEPARTMENT.

1301. \***Mr. B. N. Misra:** Are Government aware that the figure 1½ per cent. of Subedar-Majors of the Indian Medical Department referred to in the answer to question 150 (b) made by Mr. G. R. F. Tottenham on the 30th September, 1932, is lower than that of the strength (7 per cent.) of the commissioned ranks in the Indian Army? Are Government taking any action to increase the strength of Commissioned Officers of the Indian Medical Department?

**Mr. G. R. F. Tottenham:** By the term 'Commissioned officers' I have been unable to discover whether the Honourable Member is referring to King's Commissioned officers or Viceroy's Commissioned officers or only to officers of the rank of Subedar Major.

The proportion of Subedar Majors to other Viceroy's Commissioned officers varies in different branches of the Army and it is not proposed to increase the proportion in the Indian Medical Department.

### NON-RECRUITMENT OF MILITARY SUB-ASSISTANT SURGEONS HOLDING THE RANK OF SUBEDAR-MAJOR.

1302. \***Mr. B. N. Misra:** (a) Is it a fact that the four Sub-Assistant Surgeons referred to in the answer to unstarred question No. 152 (a) made by Mr. G. R. F. Tottenham on the 30th September, 1932, have completed

30 years service and, if retrenched, are, under para. 206, Pension Regulations for the Army in India, entitled to double the rate of ordinary pension admissible? If so, have Government considered the question of retrenching these Sub-Assistant Surgeons? If not, why not?

(b) Are Government aware of the hardships which the senior Subedars are undergoing due to block in promotion on account of these Sub-Assistant Surgeons not having been retrenched?

(c) Have Government considered whether there will be considerable saving to Government by retiring these four Sub-Assistant Surgeons?

(d) Are Government prepared to consider the point referred to in the reply to question No. 152 (b) made by Mr. G. R. F. Tottenham when the financial stringency is over?

**Mr. G. R. F. Tottenham:** (a) Yes. One of the four Sub-Assistant Surgeons who has earned the double rate of pension is being retrenched. The Honourable Member's suggestion that the other three should also be retrenched has been considered, but it would be uneconomical to accept it. In the ordinary course these officers have to hold the Honorary King's Commissions for three years before being eligible for the double rate of pension, but if they are compulsorily retired before the three years elapse they get the double rate automatically. None of them has yet served for three years in that rank and, therefore, to retrench them would involve unnecessary extra expenditure.

(b) The lower ranks are not suffering any greater hardship than would have been the case if no retrenchment had been necessary at all.

(c) No, Sir. On the contrary, as explained in the answer to part (a), some extra expenditure would be involved.

(d) The matter will be reconsidered when financial circumstances permit.

#### COMMUNITIES OF RETRENCHED MILITARY SUB-ASSISTANT SURGEONS.

1303. **\*Mr. B. N. Misra:** (a) With reference to unstarred question No. 153, dated the 30th September, 1932, replied to by Mr. G. R. F. Tottenham, will Government please state why 29 junior Sub-Assistant Surgeons drawing less pay were retrenched when there were a few seniors drawing more pay?

(b) Are Government aware of the hardships of the retrenched junior Military Sub-Assistant Surgeons? If so, are Government prepared to re-engage the retrenched junior Sub-Assistant Surgeons whenever this Department requires the services of the members of the Indian Medical Department?

**Mr. G. R. F. Tottenham:** (a) The selection of senior men for retrenchment does not necessarily produce greater savings than the selection of junior men in a service like the Indian Medical Department, because if senior men are retrenched junior men are promoted in their place and the pay saved is that of the junior grade men. The 29 junior men retrenched were selected with due regard to the principle laid down by Government to govern the order of retrenchment.

(b) Government are fully aware of the hardships of all retrenched personnel, whether junior or senior. They are prepared to re-employ retrenched Sub-Assistant Surgeons when vacancies occur, giving preference to those who have joined the Reserve of Sub-Assistant Surgeons.

**MILITARY SUB-ASSISTANT SURGEONS PROMOTED TO THE RANK OF SUBEDAR-MAJOR AND HONORARY KING'S COMMISSIONS.**

1304. **\*Mr. B. N. Misra:** Is it a fact that the Government's declared policy is to protect the rights of minority communities in all the services? If so, are Government prepared to take action to see that the ratio between the various communities represented by the present number among the Military Sub-Assistant Surgeons promoted to the rank of Subedar-Major and Honorary King's Commissions is maintained to accord with the Government's declared policy?

**Mr. G. R. F. Tottenham:** Government's policy is to prevent the preponderance of any one community in the matter of recruitment for the public services; but, as has frequently been pointed out in this House, claims to promotion are determined without regard to communal considerations.

**MILITARY ASSISTANT SURGEONS AND SUB-ASSISTANT SURGEONS.**

1305. **\*Mr. B. N. Misra:** Is it a fact that the Military Assistant Surgeons and Sub-Assistant Surgeons are attached to the Medical Store Depot and a Military Assistant Surgeon is placed in charge of the Depot in the absence of the Officer-in-charge on leave or on sick list? If so, is the Military Sub-Assistant Surgeon attached there placed in Sub-Medical charge of that unit during the absence of the Officer-in-charge? If so, does he get any allowance for the extra work done by him?

**Mr. G. R. F. Tottenham:** Normally the staff of Medical Store Depot includes an Indian Medical Service or Royal Army Medical Corps officer in charge, a military Assistant Surgeon, and a Sub-Assistant Surgeon. When the Officer-in-charge is absent for short periods the Assistant Surgeon usually holds charge of the Depot and in addition continues to perform his own duties. During this period he receives an allowance. No allowance is granted to the Sub-Assistant Surgeon as there is no addition to his duties or responsibilities.

**GOVERNMENT'S ATTITUDE TOWARDS ANTI-UNTOUCHABILITY PROPAGANDA STARTED BY MR. GANDHI.**

1306. **\*Pandit Satyendra Nath Sen:** With reference to the statement made by the Honourable the Home Member (in reply to my supplementary question on the short notice question asked by Mr. B. Das on the 7th November, 1932) that Government do not desire to take any active part in the anti-untouchability propaganda started by Mr. Gandhi, are Government prepared to issue a communiqué entirely dissociating themselves from the movement?

**The Honourable Mr. H. G. Haig:** Government see no necessity for the issue of any communiqué.

**Pandit Satyendra Nath Sen:** Do Government realise that their reticence has been and will be interpreted as a partiality for Mr. Gandhi's movement?

**The Honourable Mr. H. G. Haig:** I do not think that that conclusion can legitimately arise. It must be well known that in all matters of religious controversy, the Government maintain an attitude of neutrality.

**Pandit Satyendra Nath Sen:** Is it an act of neutrality for Government to identify themselves with this movement indirectly?

**The Honourable Mr. H. G. Haig:** I cannot admit that Government are identifying themselves with the movement either directly or indirectly.

**Pandit Satyendra Nath Sen:** Has the attention of the Government been drawn to an article which appeared in the *Hindustan Times* under the caption "Lord Willingdon's friendly act", in which they take this attitude of Government as an assistance to the cause of national development as they describe it.

**The Honourable Mr. H. G. Haig:** No, Sir. I do not think that the removal of a certain accidental impediment can be taken as an act of positive assistance.

**Pandit Satyendra Nath Sen:** Are Government prepared to extend similar facilities and protection to the Sanatanists in their fight against the reformers?

**The Honourable Mr. H. G. Haig:** In what respect does the Honourable Member suggest that similar action is required on the part of Government with regard to the Sanatanists?

**Pandit Satyendra Nath Sen:** In their fight against Satyagraha and forcible temple entry.

**The Honourable Mr. H. G. Haig:** The Honourable Member does not suggest that any action taken by Government has in any way impeded the Sanatanists.

#### DISCHARGE OF OFFICE STAFF OF THE CAWNPORE CENTRAL STATION, EAST INDIAN RAILWAY.

1307. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that the case of one of the office staff of Cawnpore Central Station, East Indian Railway, was rejected by the Railway Enquiry Committee in applying the rule of superannuation, which was discussed among administrative cases on the 13th November, 1931? If so, on what grounds? Was it on the principle of seniority of service or seniority of age or any other principle?

(b) Is it a fact that several officers, senior both in service and age, were retained till long after the discharge of the aforesaid office staff of the Cawnpore Central Station, East Indian Railway? If so, on what principle?

(c) Did the Railway Board select 68 cases for re-examination and not the one mentioned above? If so, what are the reasons? What was the principle underlying the non-examination?

**Mr. P. R. Rao:** (a) Government are not in a position to know the reasons that led the Court of Enquiry to reject any case.

(b) Government have no information.

(c) The 68 cases referred to were not selected by the Railway Board. They were recommended by the Court of Enquiry for re-examination. Government are unaware of the reasons that led the Court of Enquiry to select these out of the large number of cases placed before them.

#### BENGAL NAGPUR RAILWAY LEVEL CROSSING ON THE BANKURA-TALDANGA ROAD.

1308. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that the Bengal Nagpur Railway line passes through Bankura dividing the town in two parts?

(b) Is there a level crossing on the Railway line on the Bankura-Taldanga Road about a furlong from the Bankura Railway Station? Is the road the only means of communication between Bankura Town and the Thanas of Raipur, Simlapal, Taldanga and parts of Khatra, Onda and Bankura?

(c) Are Government aware that the gate of the level crossing is often closed unnecessarily, causing great hardship to vehicular traffic and people are subjected to blackmailing?

(d) Is it a fact that complaints against the gate-keeper are not inquired into by the Permanent Way Inspector or the Apprentice Permanent Way Inspector?

(e) Are Government aware that inquiry into the complaints of the Permanent Way Inspector are very much delayed by the Railway Police, who harass persons complained against and often terms of compromise are proposed to those complained against?

(f) Have Government considered whether the shunting could be carried on at night instead of during the busiest hours of business, or within the station limits? If so, with what result?

(g) Are Government prepared to put up an automatic gate at the level crossing, like the one at Kanchrapara, Eastern Bengal Railway? If not, why not?

**Mr. P. R. Rau:** Information is being collected and a reply will be laid on the table in due course.

#### PREPONDERANCE OF ENGLISH AND FRENCH NATIONALS IN THE LEAGUE OF NATIONS SECRETARIAT.

1309. **\*Mr. Amar Nath Dutt:** Is it a fact that before 1930 the Secretariat of the League of Nations consisted chiefly of English and French officials? Is there any representation of the minor nations in the Secretariat of the League? If so, what is their percentage?

**The Honourable Sir Brojendra Mitter:** The attention of the Honourable Member is invited to pages 32-41 of the Minutes of the 4th Committee of the Assembly of the League of Nations, 1928, from which he will observe that the Secretary-General of the League stated at that time that he would not, in the future, appoint any members of British or French nationality until the proportion of the nationals of other countries in the League Secretariat had received due and adequate consideration. As regards the representation of minor nations in the League Secretariat I would invite the Honourable Member's attention to pages 1991-2021 of

the Official Journal of the League of Nations, October 1931, which furnishes the names of the staff, with their nationalities, of the League Secretariat and the International Labour Office. From this material the Honourable Member will be able to make the calculations which he desires.

**MONOPOLY OF THE LEAGUE OF NATIONS SECRETARIAT BY THE ENGLISH AND THE FRENCH NATIONALS.**

**1310. \*Mr. Amar Nath Dutt:** Is it a fact that the German and the Italian nations protested in 1930 against the monopoly of the League's Secretariat by the English and the French? If so, what steps, if any, have been taken by the League against such monopoly?

**The Honourable Sir Brojendra Mitter:** I would invite the attention of the Honourable Member to the proposals and resolutions contained in the Report of the 4th Committee of the Assembly on the organisation of the Secretariat and the International Labour Office and the Registry of the Permanent Court of International Justice, at pages 79-88 of the Final Report of the Delegates of India to the 11th session of the League Assembly. It will be seen therefrom that certain Governments including the German and Italian Governments did press in 1930 for the employment of nationals of different countries in the League Secretariat and the International Labour Office. The Assembly in 1930 adopted a resolution instructing the Secretary-General to amend the staff Regulations in accordance with the proposals of the 4th Committee.

**Mr. S. G. Jog:** In view of the substantial contribution from the Government of India towards the expenses of the League of Nations, will the Government of India impress upon them the necessity or advisability of having Indians in the Secretariat staff?

**The Honourable Sir Brojendra Mitter:** The Indian delegation, for several years in succession, have pressed this point on the Secretary-General.

**Mr. S. G. Jog:** I asked, did the Government of India impress upon them, I did not ask, whether the delegation impressed upon them?

**The Honourable Sir Brojendra Mitter:** The Honourable Member ought to realise that the Government of India, as such, are not in direct communication with the League of Nations, but the Indian delegation from year to year pressed this point on the Secretary-General of the League of Nations.

**Mr. S. G. Jog:** Did the Honourable Member, when he represented this country at the League of Nations last year, make any attempt to impress upon them the necessity?

**The Honourable Sir Brojendra Mitter:** I not only made an attempt, but was partially successful. (Hear, hear.)

**Dr. Ziauddin Ahmad:** In view of the fact that India will be the second largest contributor to the League of Nations, did the Honourable Member ever use the argument that the Legislative Assembly would reduce their contribution if sufficient numbers are not employed?

**The Honourable Sir Brojendra Mitter:** In the first place, India is not the second largest contributor and, in the second place, the Government of India or any other outside body cannot determine the quota which is



assessed to the different nations who are Members of the League of Nations.

**Mr. Lalchand Navalrai:** What has been the result of the pressure which the delegates exerted with regard to this subject?

**The Honourable Sir Brojendra Mitter:** There has been an increase in the number of Indians employed in the Secretariat.

**Mr. Lalchand Navalrai:** Is it substantial?

**The Honourable Sir Brojendra Mitter:** That is a matter of opinion.

**Mr. Lalchand Navalrai:** Will the Honourable Member please say how much increase there has been within the last two years?

**The Honourable Sir Brojendra Mitter:** I think there is a question following when I shall give the necessary answer.

#### AMOUNTS PAID BY INDIA AND ITALY AS CONTRIBUTIONS TO THE LEAGUE OF NATIONS.

1311. **\*Mr. Amar Nath Dutt:** Will Government be pleased to state what is the amount which has been paid by India up till now to the League of Nations since her original entry? Is it less than what Italy contributes? If so, by how much?

**The Honourable Sir Brojendra Mitter:** A statement is laid on the table.

*Statement showing the amounts paid by India and Italy (in Gold Francs) to the League of Nations.*

Year.	India.	Italy.
1919 . . . . .	293,615	293,615
1920 . . . . .	523,000	523,000
1921 . . . . .	1,041,666	1,041,666
1922 . . . . .	1,011,335	1,011,335
1923 . . . . .	1,767,773·28	1,658,987·23
1924 . . . . .	1,620,371·61	1,520,656·43
1925 . . . . .	1,453,998·18	1,478,231·48
1926 . . . . .	1,370,454·06	1,468,343·61
1927 . . . . .	1,260,713·58	1,360,006·15
1928 . . . . .	1,297,730·93	1,399,667·61
1929 . . . . .	1,427,175·03	1,533,726·87
1930 . . . . .	1,532,865·20	1,646,976·34
1931 . . . . .	1,705,811·54	1,832,276·03
1932 . . . . .	1,834,588·83	1,970,251·69

**NUMBER OF INDIANS APPOINTED TO THE LEAGUE OF NATIONS SECRETARIAT.**

1312. **\*Mr. Amar Nath Dutt:** Will Government be pleased to state the number of Indians who have been appointed in the League of Nations Secretariat since her original entry? What is the total strength of the employees in the League's Secretariat?

**The Honourable Sir Brojendra Mitter:** The total number of Indians who have been appointed to posts in the League of Nations Secretariat including the International Labour Office since the inception of the League is 10. As regards the second part the Government have no information.

**Mr. Amar Nath Dutt:** Will the Government of India collect information about the second part of the question and supply the House with the information?

**The Honourable Sir Brojendra Mitter:** I will try. But I do not expect anything will come out of it. The question is, what is the total strength of the employees in the League's Secretariat? Whether we shall get the information or not, I cannot say.

**STATUS OF INDIA IN THE LEAGUE OF NATIONS.**

1313. **\*Mr. Amar Nath Dutt:** Will Government be pleased to state whether India enjoys the same status and privileges as the other *independent signatories* of the League of Nations in regard to their representation in the League's Council, Assembly and their sub-committees?

**The Honourable Sir Brojendra Mitter:** The Honourable Member is referred to Articles 3 and 4 of the Covenant from which he will observe that all members of the League are equally represented on the Assembly, and that all members who are not permanent members of the Council are equally eligible for election to the Council. In connection with his reference to "the other independent signatories" he is referred to the reply to question No. 100 asked on the 3rd February, 1932.

**Dr. Ziauddin Ahmad:** Is the contribution by the Government of India subject to the approval of the Assembly?

**The Honourable Sir Brojendra Mitter:** No, Sir. It is the League Council which fixes the amount according to a principle which it has laid down.

**Dr. Ziauddin Ahmad:** Is it a votable item?

**The Honourable Sir Brojendra Mitter:** I think it is a votable demand.

**Dr. Ziauddin Ahmad:** We will remember this point when it comes up for discussion in the Budget Debate. (Laughter.)

**COMMISSIONS APPOINTED BY THE LEAGUE OF NATIONS TO REPORT ON THE EDUCATIONAL PROBLEMS IN INDIA.**

1314. **\*Mr. Amar Nath Dutt:** (a) Will Government be pleased to state whether the League of Nations has taken any steps to advance the cause of education in India, both rural and urban?

(b) Is China an arrear member of the League?

(c) Is it a fact that the League of Nations sent some educational experts to China to report about her educational problems?

(d) If the replies to parts (b) and (c) above are in the affirmative, will Government be pleased to state how many such Commissions, if any, have been appointed by the League to report about the educational problems of India? If none, why?

**The Honourable Sir Brojendra Mitter:** (a) No

(b) and (c). Yes.

(d) None. The Government of India must dissociate themselves from the suggestion, which the Honourable Member apparently desires to convey, to the effect that the League, having sent an educational mission to China, a country which is in arrears with her contributions, should *a fortiori* have sent educational missions to India, a country which is not in arrears with her contributions. It is no part of the League's functions to confer benefits on individual members.

STUDY AND REPORT ON THE ECONOMIC AND HYGIENIC PROBLEMS OF INDIA  
BY THE LEAGUE OF NATIONS.

1315. **\*Mr. Amar Nath Dutt:** (a) Will Government be pleased to state with names how many experts, if any, have been deputed by the League of Nations to study and report on the economic and hygienic problems of India?

(b) Who has borne their expenses?

(c) What places have they visited?

(d) What steps, if any, have Government taken with regard to their recommendations?

(e) Were there any continental experts among them? If none, why?

**The Honourable Sir Brojendra Mitter:** (a), (c) and (e). A statement is laid on the table containing the desired information in respect of the Malaria Commission of 1929 which is the only case in point.

(b) The League of Nations.

(d) The Commission submitted a report to the League of Nations, copies of which were received by the Government of India and circulated to Local Governments and Administrations to whom it was left to take such action as they might consider necessary.

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*Statement relating to the Malaria Commission.*

This Commission was invited by the Government of India and comprised six experts—five Europeans and one American. It visited India in 1929. The names of the Members of the Commission were:

1. Dr. W. Schuffner, Director of the Section of Tropical Hygiene of the Royal Colonial Institute, Amsterdam and Professor at the University of Amsterdam.

2. Dr. N. H. Swellengrebel, Chief of Laboratory of the Section of Tropical Hygiene of the Royal Colonial Institute, Amsterdam, and Professor at the University of Amsterdam.

3. Dr. M. Cinca, Professor at the Faculty of Medicine in the University of Jassy, Roumania. Secretary of the Malaria Commission.

4. Surgeon Louis Williams, Head of the Anti-Malaria, United States, Public Health Service, Richmond, Virginia, United States of America.

5. Dr. S. de Buen, Professor of Parasitology, Institute of Health Madrid.

6. Medecin Commandant M. Peltier, Professor of Social Hygiene, School of Sanitary Service for Colonial Troops, Marseilles.

The Commission visited the following places :

Bombay, Karnal, Lahore, Lahore Cantonment, Khanki, Chankanwadi Reclamation Farm and neighbouring villages, Aik Nallah, Sambrial, Mir Alim Upper Chenab Canal, Lower Chenab Canal, Kathala, Gujranwala, Kasauli, Simla, Delhi, New Delhi and rural areas, Agra, Saharanpur, Kathgodam, the Terai and Bhabar, Banbassa, Lucknow, Moghul Serai, Calcutta where visits were paid to Co-operative Anti-Malarial Societies, Sonarpur area, Salt Water Lake area, Buderhati and Tarpassa. From Calcutta the Commission proceeded to Singbhum area, Dangoaposi, Bara Janda, Naomundi, Jessor, Birnagar, Berhampur, Murshidabad, Jiaganj, Bhagwangola, Krishnagar and surrounding villages, Silliguri and the Terai, Darjeeling, Phulbarighat, Sylee, Tea Garden at Menglass Gauhati, Dudnai area, Mariana, Jorhat, Toklai, Melling Tea Garden, Kotalguri Tea Garden, Naganijan Tea Garden, Shillong, Cachar, Rangoon, Mandalay and surrounding villages, Maymyo, Sakantha, Hsipow, Lashio Madaya, Vizagapatam, Ravajada, Parvatipurram, Satikona, Salur and Koraput, Waltair, Madras including Ennore, Errode, Coonoor, Ootacamund, Nadvattam, Mysore and finally returned to Bombay.

#### FACILITIES OFFERED TO INDIAN STUDENTS IN EUROPEAN COUNTRIES.

1316. **\*Mr. Amar Nath Dutt:** (a) Is it a fact that France, Germany, Czechoslovakia and other continental nations offer free tuitions, free lodging and boarding and, sometimes, stipends and scholarships to educate the Indian youths?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state whether the United Kingdom offers such facilities to the Indian students? If so, to what extent? If the answer be in the negative, what are the reasons for not offering such facilities to the Indian students as offered by the aforesaid foreign countries?

**Mr. G. S. Bajpai:** (a) Government are not aware that France or Czechoslovakia and European continental nations generally offer the facilities referred to by the Honourable Member. They have seen newspaper reports to the effect that some such facilities are offered by the India Institute of Die Deutsche Akademie of Munich in Germany.

(b) Government assume that Indian students are eligible for competitive scholarships at educational institutions in the United Kingdom on the same conditions as other students. The last part of the question does not appear to arise.

**Mr. K. Ahmed:** What is the amount offered at Munich and other places in Germany?

**Mr. G. S. Bajpai:** The conditions of these stipends, as they are called, vary. Sometimes they do not go beyond the supply of free board, sometimes free board and lodging, and sometimes it is a small pocket allowance; I cannot say how much.

#### EDUCATIONAL ADVISER IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA, LONDON.

1317. **\*Mr. Amar Nath Dutt:** Is it a fact that the inefficiency of the service of the Educational Adviser to the Indian students, in the High Commissioner's Office, London, was condemned by a public resolution of

the London Branch of the International Students' Service? If so, what steps, if any, have Government taken to remedy the grievance? If none, why?

**Mr. G. S. Bajpai:** Government have not seen the resolution of the International Students' Service, London Branch, referred to by the Honourable Member, but they have no reason to believe that the services of the officer on the staff of the High Commissioner for India, whose functions correspond to those of an Educational Adviser, are in any way unsatisfactory.

#### GREAT INDIAN PENINSULA RAILWAY EMPLOYEES MUTUAL BENEFIT SOCIETY.

1318. **\*Mr. S. G. Jog:** (a) Will Government be pleased to state whether it is a fact that there is a society called "The Great Indian Peninsula Railway Employees Mutual Benefit Society"?

(b) Is it a fact that the Agent of the Railway is one of the trustees of the society?

(c) Is it a fact that the Railway recovers the monthly subscriptions of its members through the Railway salary bills of the staff?

(d) Are Government aware that there is considerable dissatisfaction amongst the members of the society about the management of its funds and other affairs?

(e) Is it a fact that the funds of the said society amount to nine lakhs of rupees?

(f) Is it a fact that the society has not been registered with Government?

(g) Are Government prepared to bring to the notice of the Agent the desirability of registering the society with Government; if not, why not?

**Mr. P. R. Rau:** I have called for information and will lay a reply on the table in due course.

#### TRANSFER OF THE STATISTICAL DEPARTMENT TO THE CONTROL OF THE RESPECTIVE ACCOUNTS DEPARTMENTS OF RAILWAYS.

1319. **\*Mr. S. G. Jog:** (a) Will Government be pleased to state whether it is a fact that the Railway Retrenchment Committee had recommended the transfer of the statistical department to the control of the respective accounts departments?

(b) Is it a fact that the said recommendations had been accepted by the Railway Board?

(c) Is it a fact that the statistical department of the Great Indian Peninsula Railway has not yet been transferred to the control of the accounts department of the railway?

(d) Is it a fact that the Agent was asked to arrange for the said transfer in November, 1931?

(e) Is it a fact that the transfer of the department involves the abolition of two posts of officers?

(f) Have the statistical departments of other State Railways been transferred to the control of their respective accounts departments and,

if so, from what dates and whether, in consequence, any post of officers have been abolished; if so, how many, and whether the officers concerned were discharged; if not, why not?

**Mr. P. R. Rau:** (a) The Railway Retrenchment Sub-Committee recommended the transfer of the compilation of statistics to the Accounts Department.

(b) Not generally. The question is under the consideration of the Railway Board in consultation with Railway Administrations.

(c) Yes.

(d) No.

(e) It has been proposed to abolish the post of Compilation Officer and to redistribute the work in the Agent's Office so that one Senior scale post in that office will be reduced.

(f) On the East Indian and North Western Railways the compilation work of the Statistical Departments has been transferred to the Accounts Department with effect from the 1st October, 1931, and 1st June, 1932, respectively, and the posts of Statistical and Compilation Officers have come to an end. The Statistical Officers of these two Railways have reverted to the departments to which they belonged. The Compilation Officer of the North Western Railway has been transferred to the Accounts Department and that of the East Indian Railway has proceeded on leave preparatory to retirement.

#### EXPENDITURE INCURRED IN CONNECTION WITH THE RAILWAY COURT OF INQUIRY.

1320. **\*Mr. S. G. Jog:** (a) Will Government be pleased to state the total expenditure incurred in connection with the Railway Court of Inquiry appointed in 1931?

(b) What was the total amount of fees paid to the Railway counsel on each railway?

**The Honourable Sir Frank Noyce:** (a) The cost incurred by Government on the Court was Rs. 46,572.

(b) The total amount of legal charges borne by the Railways was Rs. 62,881 and was divided equally among the four State-managed Railways.

**Mr. K. Ahmed:** Was it advisable to spend Rs. 62,000 on legal advice at this time of retrenchment and reduction of salaries? If so, was this amount squandered or well-spent from the Government's point of view?

**Mr. P. R. Rau:** The issues raised were so important that Government considered it necessary to have the Court assisted by the best legal advice.

**Dr. Ziauddin Ahmad:** Was the result commensurate with the expenditure?

**Mr. P. R. Rau:** That is a matter of opinion.

**Mr. K. Ahmed:** Will the Honourable Member kindly explain what justification there is for saying that there were important issues involved on which they had to spend over Rs. 62,000 on legal advice alone?

**Mr. P. R. Rau:** I must leave it to the House to judge whether the issues raised by the dispute before the Court of Inquiry were important or not.

**CALCULATING MACHINES PURCHASED BY THE CHIEF ACCOUNTS OFFICER,  
GREAT INDIAN PENINSULA RAILWAY.**

**1321. \*Mr. S. G. Jog:** (a) Will Government be pleased to state the number of calculating machines purchased by the Chief Accounts Officer, Great Indian Peninsula Railway, in connection with the Local Traffic Divisional Scheme in 1930-31?

(b) What was the total amount paid as the cost of the machines?

(c) Is it a fact that since the abandonment of the scheme in 1931 the said machines are lying idle?

(d) Is it a fact that the Local Traffic Divisional Scheme was introduced as an experimental measure; and, if so, why was the expenditure in the purchase of these machines incurred?

**Mr. P. R. Rau:** (a) Four.

(b) Rs. 7,840.

(c) One machine is being utilised in workshop accounts and the rest are idle for the present. The possibility of utilising them in other offices in the Great Indian Peninsula or other Railways is under investigation.

(d) The divisional traffic scheme was introduced as an experimental measure. The machines were purchased because the cost was expected to be met by savings effected by reductions in the staff, but the expectations could not be realised because the scheme was abandoned as a part of the economy campaign.

**Mr. S. G. Jog:** What use can be made of these idle machines?

**Mr. P. R. Rau:** We are trying to find out whether other Railways are in a position to utilise them.

**TERMS AND CONDITIONS FOR VOLUNTARY RETIREMENT OF STAFF IN THE  
ACCOUNTS DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.**

**1322. \*Mr. S. G. Jog:** (a) Will Government be pleased to state whether it is a fact that the terms and conditions for voluntary retirement of staff were sanctioned and communicated to the Agent of the Great Indian Peninsula Railway by the Railway Board in March, 1932?

(b) Is it a fact that this concession was applicable to the staff of the Accounts Department, Great Indian Peninsula Railway?

(c) Is it a fact that this concession was not notified for the information of the Great Indian Peninsula Railway Accounts staff up to the 21st July, 1932, and, if so, why?

**Mr. P. R. Rau:** (a) Yes.

(b) Yes.

(c) Yes. The Chief Accounts Officer is being addressed to ascertain the reason.

**GRANT OF ADVANCES TO THE RAILWAY EMPLOYEES FROM THE STATE RAILWAY PROVIDENT FUND.**

**1323.\*Mr. S. G. Jog:** (a) Will Government be pleased to state when the concession of granting advances to staff from the State Railway Provident Fund under relaxation of rules was sanctioned by Government?

(b) How many applications were forwarded to the Agent, Great Indian Peninsula Railway, up to July, 1932, and how many were rejected by the heads of departments and divisional officers?

(c) How many applications were sanctioned by the Agent during the period, how many of them were from officers, upper subordinates, subordinates and menials, what is the total amount applied for and sanctioned by the Agent for each of the above grades of staff and how many of them were Europeans, Anglo-Indians and Indians?

(d) Is it a fact that in the case of Indian employees, the advances were made equal to about one month's pay, and, in the case of Europeans and Anglo-Indian employees, the same were sanctioned to the extent of two months' pay? If so, why is this distinction made?

**Mr. P. R. Rau:** The information required is being collected and a statement will be laid on the table of the House in due course.

**PROVIDENT FUND BONUS PAID TO THE GREAT INDIAN PENINSULA RAILWAY STAFF.**

**1324.\*Mr. S. G. Jog:** Will Government be pleased to state the total number of staff who left the Great Indian Peninsula Railway before the completion of five years' service during the year 1931-32, and in how many cases the Provident Fund bonus was paid to such staff by the Agent and how many of them were Indians and non-Indians?

**Mr. P. R. Rau:** I am informed that the total number of staff who left the Great Indian Peninsula Railway before completion of five years' service during 1931-32 was 81, and that Provident Fund bonus was paid in nine cases. Three of these were Indians and six non-Indians.

**PRINTING OF TEN-RUPEE NOTES IN THE CURRENCY NOTE PRESS, NASIK.**

**1325.\*Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 6 of the 5th September, 1932, will Government kindly state the total number of forged notes of ten rupees detected by the Currency authorities from the time of the inception of the printing of 10-rupee notes in the Currency Note Press, Nasik, up to the date on which it was decided to change the design; and also the total number of such forged notes detected before the inception of the printing of notes of the particular design in the Currency Note Press?

(b) Will Government kindly state whether the Supervisors, due to whose "insufficient supervision, stupidity and carelessness", the theft of the 10-rupee notes occurred, were removed from service or were merely transferred to some other post? Is it a fact that the Assistant Supervisor, responsible for the theft, was subsequently promoted to the grade of Rs. 200—15—350—20—550 from Rs. 100—10—150—15—300? What is the name of this individual? Is his name Mr. Critchell, and is he related to Mr. J. V. Hildreth, Chief Supervisor, Control, Security Printing, India?



Is he the same man who was responsible for an outbreak of fire due to his throwing a lighted cigarette which he was smoking inside the Press in contravention of the rules of the Press? If so, what action was taken against him?

(c) Will Government kindly state why the changed design was not printed on the 10-rupee star-watermarked paper instead of indenting fresh supply of the new design of paper, and utilising the costly paper for printing Postal Cash Certificates?

**The Honourable Sir George Schuster:** With your permission, Sir, I shall answer questions Nos. 1325, 1326 and 1328 to 1336 together. The information is being collected.

#### AMENITIES IN EUROPEAN AND INDIAN STYLE QUARTERS FOR THE STAFF OF THE CURRENCY NOTE PRESS, NASIK.

†1326. **\*Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 9 of the 5th September, 1932, will Government kindly state the names of those Indians who live in European style quarters in Nasik; and the names of those Indians who refused to live in the European style quarters? Is it not a fact that no Indian officer has been allowed to occupy a European style quarter, although some of them applied for the same? Is it not a fact that Rao Bahadur Wasudev Anant, Chief Supervisor, Control, Currency Note Press, applied for the first grade European style quarters vacated by Mr. Allison, but was not allowed to occupy it?

(b) Is it not a fact that there is a good deal of difference in the amenities of European style and Indian style quarters of the same grade? Is it not a fact that European style quarters are fitted with electric fans, while Indian style quarters are not; if so, why is this discrimination? Is it not a fact that those living in European style quarters, first and second grade, get a free supply of 6,000 and 4,000 gallons of water respectively, whereas those living in Indian style quarters of the same grades get exactly half of this allowance? If so, why?

#### REPORT OF THE ACCOUNTANT GENERAL, BOMBAY, REGARDING THE NASIK PRESS BUILDINGS AND QUARTERS.

1327. **\*Mr. Gaya Prasad Singh:** With reference to my starred question No. 11 of the 5th September, 1932, will Government be pleased to place a copy of the report of the Accountant General, Bombay, regarding the Nasik Press buildings and quarters, on the table? If not, why not?

**The Honourable Sir George Schuster:** As already stated in reply to the Honourable Member's starred question No. 11 on the 5th September, 1932, the Auditor General brought the matter to the attention of the Public Accounts Committee. The Memorandum presented to the Public Accounts Committee by the Auditor General on the results of the audit of the accounts of the Architects of Nasik Buildings is printed as Appendix XXV to the Report of the Public Accounts Committee on the Accounts of 1930-31 and the views of the Committee are contained in paragraph 47 of the Proceedings on page 56 of that Report. Copies of this Report have

† For answer to this question, see answer to question No. 1325.

already been circulated to the Members of the Assembly and I do not, therefore, think that any purpose will be served by placing the Report on the table of the House.

**Mr. Gaya Prasad Singh:** Do I understand that the report of the Accountant General, Bombay, is included among the papers to which reference has been made?

**Sir Alan Parsons:** I think not.

**Mr. Gaya Prasad Singh:** The specific question was that the report of the Accountant General, Bombay, should be placed on the table, but that report, according to the reply just given, has not been supplied to the Public Accounts Committee or anywhere else. Is there any objection to placing a copy either on the table of the House or at least in the Library?

**Sir Alan Parsons:** The specific answer given by the Honourable the Finance Member was that as the Honourable Member will have on these matters the opinion of a higher officer than the Accountant General, Bombay, namely, the Auditor General, that should be sufficient for all purposes.

#### SHORTAGE OF CURRENCY NOTES AT NASIK.

†1328. **\*Mr. Gaya Prasad Singh:** Will Government kindly state the number of occasions of shortage of currency notes at Nasik, with the names of the Supervisors responsible for them?

#### CASES OF THEFT OF CURRENCY NOTES REPORTED TO THE MAGISTERIAL COURTS AT NASIK.

†1329. **\*Mr. Gaya Prasad Singh:** (a) Are Government aware that in a certain case of theft, the City Magistrate of Nasik criticised and condemned the work of an Assistant Supervisor of the Currency Note Press, Nasik, and recommended him for severe departmental punishment? Will Government kindly place in the Library a copy of this judgment, and also state how the magisterial recommendation was carried out? Will Government also state the name of the Assistant Supervisor?

(b) Will Government kindly state the number of thefts which were reported to the Magisterial Courts at Nasik and place copies of judgments in the Library?

#### PREFERENTIAL TREATMENT IN THE DISCHARGE OF AN EMPLOYEE OF THE CURRENCY NOTE PRESS, NASIK.

†1330. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that Mr. M. H. Patel, of the Currency Note Press, Nasik, who was proved to be responsible for the theft of 5-rupee currency note sheets due to carelessness and ignorance, has been retained, while Mr. B. B. Mishra, against whom there is not a speck of any bad remark of any kind, has been discharged due to retrenchment? If so, why?

(b) Will Government kindly state if the past records of all the Assistant Supervisors were taken into consideration while selecting them for discharge? If not, why not?

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† For answer to this question, see answer to question No. 1325.

## ALLEGATIONS AGAINST THE MASTER, SECURITY PRINTING, INDIA, NASIK.

†1331. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that a report against the misbehaviour of Mr. H. H. Johnson, a Printing Supervisor, was filed by Mr. B. B. Mishra, in which he criticised the policy of indifference and leniency of the Master in matters where Indians were insulted by Anglo-Indians and Europeans?

(b) Will Government kindly lay on the table a copy of Mr. Mishra's complaint against Mr. Johnson and other papers relating to this matter?

(c) Is it not a fact that no reply whatever was given to Mr. Mishra although fair and impartial enquiry was promised by the Master to dissuade him from taking legal action against Mr. Johnson, permission for which he sought in writing? If so, why? Are Government aware that in such matters the attitude of the Master is always anti-Indian?

(d) Are Government aware that there were certain other cases where Indians were insulted by Europeans and Anglo-Indians and action by the Master was not suitable?

APPOINTMENT OF ADYA GAUD BRAHMINS AS ASSISTANT SUPERVISORS,  
CURRENCY NOTE PRESS, NASIK.

†1332. **\*Mr. Gaya Prasad Singh:** (a) Will Government kindly state the reasons for appointing six Adya Gaud Brahmins of the Ratnagiri district as Assistant Supervisors, Nasik, out of the total fifteen, and retaining all of them with the exception of the temporary hand even after retrenchment?

(b) Is it not a fact that these Adya Gaud Brahmin Assistant Supervisors are either relations of, or have been closely connected with, the Chief Supervisor, Control, Currency Note Press, who himself is an Adya Gaud Brahmin hailing from the district of Ratnagiri?

(c) Is it not a fact that one of them, Mr. A. R. Desai, is related to the Chief Supervisor, and another, Mr. G. V. Desai, is related to Mr. Narayanrao Anant Desai Topiwala of Bombay who is an intimate friend of the Chief Supervisor? Is it a fact that Mr. G. V. Desai was taken on only two months' probation instead of the usual six months? If so, why?

(d) Will Government state the date of the appointment of the Chief Supervisor, Control, in the Currency Note Press, together with the number of appointments conferred on Adya Gaud Brahmins of the Ratnagiri district out of the total number of appointments of Assistant Supervisors after that date?

(e) Is it not a fact that out of the total nine appointments of Assistant Supervisors after that date, six appointments were conferred on Adya Gaud Brahmins of the Ratnagiri district? If so, why?

(f) Will Government kindly state how the claims of different communities were respected in the appointment of fifteen Assistant Supervisors in the Currency Note Press?

(g) Is it a fact that the rules made by the Government of India were not respected while these appointments were made? If so, why?

† For answer to this question, see answer to question No. 1325.

**CLAIMS OF RETRENCHED SUPERVISORS FOR VACANCIES OCCURRING IN THE CURRENCY NOTE PRESS, NASIK.**

†1333. **\*Mr. Gaya Prasad Singh:** Will Government be pleased to state whether, in the event of vacancies occurring in the staff of the Currency Note Press, Control Department, Nasik, the claims of the Supervisors retrenched will be favourably considered? If not, why not?

**INDIANISATION IN THE NASIK PRESSES.**

†1334. **\*Mr. Gaya Prasad Singh:** (a) Will Government kindly state how far Indianisation has progressed in the Nasik Presses, and the particular posts which have been Indianised since the Master submitted his last report?

(b) Will Government state when it will be possible to Indianise the posts of the Master and Deputy Master of the Security Printing, Nasik, India?

**RETRENCHMENT IN THE CURRENCY NOTE PRESS, NASIK.**

†1335. **\*Mr. Gaya Prasad Singh:** With reference to my starred question No. 13 of the 5th September, 1932, will Government be pleased to state whether the selection for retrenchment of the staff was made by the Master only? If so, was it not in contravention of the principles laid down by the Government of India in their Finance Department Cir. No. F.-78-XA-Ex. 1/31 of the 3rd August, 1931, which lays down in para. I(2) that selection of individuals for discharge should be entrusted to a Selection Board specially constituted in each department or office? If so, why was this departure from the general principle made?

**ASSESSED RENTS PAID BY EUROPEANS AND ANGLO-INDIANS FOR THEIR QUARTERS AT NASIK.**

†1336. **\*Mr. Gaya Prasad Singh:** (a) Will Government kindly state the names of those Europeans or Anglo-Indians who pay assessed rents at Nasik together with the amounts they pay?

(b) Will Government kindly state if the Master pays any assessed rent or not, in view of the fact that his quarters have cost Government a sum of Rs. 1 lakh and 12 thousand?

(c) Will Government also state if the Master should pay any assessed rent or not?

(d) Will Government state what should be the rent of the Master's quarters according to rules, and what should have been the worth of his quarters in consideration of his pay?

**COMMUNITIES OF THE OFFICERS AND CLERKS WORKING IN THE POSTAL DEPARTMENT AT SRINAGAR.**

1337. **\*Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon): Will Government please lay on the table a statement showing the total number of officers of all grades and clerks working in the Postal Department, Srinagar (Kashmere Division), and how many of them belong to each of the following communities: (a) Hindus, (b) Muslims, and (c) Christians?

**The Honourable Sir Frank Noyce:** A statement giving the required information is laid on the table.

*Statement.*

	Hindus.	Muslims.	Christians.	Total.
1. Superintendent of Post Offices . . . . .	..	..	1	1
2. Postmaster, Rs. 250—350 . . . . .	..	1	..	1
3. Deputy Postmaster, Rs. 160—250 . . . . .	1	..	..	1
4. Assistant Postmaster, Rs. 160—250 . . . . .	1	..	..	1
5. Inspector of Post Offices, Rs. 160—250 . . . . .	1	..	..	1
6. Head Clerk to the Superintendent of Post Offices, Rs. 160—250 . . . . .	1	..	..	1
7. Sub-Postmasters and Clerks, Rs. 35—135 . . . . .	36	4	..	40
Total . . . . .	40	5	1	46

**CONFIRMATION OF CERTAIN STAFF OF THE KASHMERE DIVISION OF THE POSTAL DEPARTMENT.**

1338. **\*Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon):  
(a) Is it a fact that the rules make it obligatory on the Postal Department to confirm approved candidates in the Postal service within six months of their being accepted as candidates?

(b) If so, are Government aware that it is in the Kashmere Division only where there are approved candidates of six years' standing awaiting confirmation?

(c) Is it a fact that these candidates are regularly working as paid clerks in season months and are unpaid in the winter months, and, by this, have passed the prescribed age limit and thus are prevented from service in the State?

(d) Are Government aware that the Kashmere Division is the only Division, where candidates, some of them graduates, telegraph-trained hands and sons of deceased postal employees are still unconfirmed?

**Mr. T. Ryan:** (a) No.

(b) Does not arise.

(c) As regards the first part of the question, the facts are substantially as stated by the Honourable Member. As regards the second, Government have no information as to the age limit prescribed for entrance into the Kashmir State service.

(d) The reply is in the negative.

**CONFIRMATION OF CERTAIN STAFF OF THE KASHMERE DIVISION OF THE POSTAL DEPARTMENT.**

1339. **\*Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon):  
(a) Is it a fact that Government have very recently introduced the system of lower division clerkship in the Postal Department, 50 per cent. of which posts are being filled up by the inferior staff?

(b) Are Government aware that these candidates, although approved for the higher cadre, have shown their willingness to work as lower division clerks, irrespective of their higher educational and technical qualifications?

(c) If the answer to the above queries be in the affirmative, what are the reasons that led the authorities concerned to bring about this state of affairs?

**Mr. T. Ryan:** (a) That fact is not exactly as stated. The scheme of the lower division clerical cadre has been in existence since 1928 and vacancies in that cadre are now being filled alternately, (1) by qualified men of the postmen class and of inferior staff, and (2) by approved candidates for the upper division clerical cadre enlisted prior to November, 1931.

(b) Government have no information.

(c) I regret that I do not understand this part of the Honourable Member's question and am therefore unable to reply to it.

#### INADEQUATE REPRESENTATION OF MUSLIMS IN THE KASHMERE DIVISION OF THE POSTAL DEPARTMENT.

1340. **\*Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon): Are Government aware that Muslims are not being well represented in the Kashmere Division of the Postal Department, and, if so, do Government propose to rectify communal inequality? If not, why not?

**The Honourable Sir Frank Noyce:** As regards the first part of the question the facts are substantially as stated by the Honourable Member.

As regards the other two parts, the Honourable Member is referred to the replies given by the Honourable Sir Bhupendra Nath Mitra to Mr. Muhammad Anwar-ul-Azim's starred questions Nos. 352 and 330 in this House on the 7th March, 1928, and the 30th January, 1929, respectively.

#### SCHEME OF PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

1341. **\*Mr. Lalchand Navalrai:** With reference to starred question No. 146, dated 8th September, 1932, will Government be pleased to state:

- (a) whether the Provincial Governments have approved the new Provident Fund Scheme;
- (b) whether the Service Associations under the Government of India were consulted;
- (c) whether the scheme is different from the one originally proposed and rejected by 90 out of 95 Associations;
- (d) if the reply to part (c) be in affirmative, whether it is more beneficial to the staff than the one originally proposed;
- (e) whether Government will be pleased to lay a copy of the scheme on the table for the information of the Members? If not, why not?
- (f) in case any of the Provincial Governments or Service Associations again reject the scheme, whether Government propose to keep it pending for some years more;

- (g) whether Government intend that the families of non-gazetted and inferior servants, who die while in service, should be thrown out on streets begging; if not, the reasons why the scheme is not given effect to immediately;
- (h) whether the question of funds is in the way of Government; and
- (i) whether it is a fact that Service Associations want that the Government contribution should be 100 per cent. as in State Railways and other semi-Government concerns, instead of 75 per cent. as proposed by Government; if so, whether Government are prepared to increase their contribution to 87 per cent. as a temporary measure and give immediate effect to the scheme? If not, why not?

**The Honourable Sir George Schuster:** (a) None of the Provincial Governments whose replies have been received have supported the scheme

(b) All service associations have already had ample opportunity to express their views on the subject as a whole. On this occasion it has been left to Local Governments to consult their Service Associations if they so desire, but it has not been thought necessary to consult Associations under the Government of India.

(c) and (d). To a certain extent.

(e) I will consider laying papers, or as they are very voluminous, a full resume of them.

(f) No.

(g) and (h). The difficulty throughout has been to devise an acceptable scheme which would not involve undue expenditure.

(i) A majority of Service Associations favour the institution of a contributory provident fund on the lines of that in force for State Railway employees; but, for reasons which were given by the Government spokesman in the debate on this question in the Council of State on the 3rd March, 1932, it was decided that a provident fund scheme should not be adopted.

**Mr. Lalchand Navalsrai:** Will the Honourable Member be pleased to state how much time it will take for the Government of India to complete their scheme and put it in force?

**Sir Alan Parsons:** The Government of India have decided, in view of the opposition of the Local Governments, not to go on with the scheme.

**Mr. S. G. Jog:** Is it not a fact that in the Council of State the Resolution that was moved was withdrawn on the assurance by Government that the scheme will be given effect to without unnecessary delay?

**Sir Alan Parsons:** I think my Honourable friend goes rather further than the statements made by Government Members on those occasions which are in my mind would seem to warrant. I am prepared to agree that inadvertently the Government spokesmen on those occasions gave perhaps an impression that Government were committed to the scheme to an extent to which actually they were not committed.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if the Provincial Governments have suggested any alternative in order to meet the desire of these services?

**Sir Alan Parsons:** No. The Provincial Governments have not suggested any alternative scheme, except in one case, as far as I remember. The Government of the United Provinces have suggested, I believe, that an extension of compulsory subscriptions to the General Provident Fund would meet the difficulty in those cases in which it arises.

**Mr. Lalchand Navalrai:** Is the Honourable Member prepared to say that the Government of India are now inclined to finish with this question or if they have any alternative under their own consideration?

**Sir Alan Parsons:** We are not at the moment considering the introduction of any alternative, because, as my Honourable friend is aware, we are not at the present moment able to afford any unnecessary expenditure.

**QUALIFICATIONS FOR APPOINTMENT AS TRANSPORTATION INSPECTORS, COMMERCIAL, ON THE EAST INDIAN RAILWAY.**

**1342. \*Mr. E. H. M. Bower:** Will Government be pleased to state:

- (a) whether a subordinate aspiring for the post of Transportation Inspector, Commercial, on the East Indian Railway is required to have any practical outdoor experience and, if so, in what capacities;
- (b) whether the candidate is required to pass any departmental examinations and, if so, what they are; and
- (c) whether such aspirants are required to go through a course of training at Chandausi and at Dehra Dun?

**Mr. P. B. Rau:** With your permission, Sir, I will answer this and the next question together. I have called for the information and will lay a reply on the table in due course.

**QUALIFICATIONS FOR APPOINTMENT AS CHIEF CLAIMS CLERK IN THE OFFICE OF THE DEPUTY CHIEF COMMERCIAL MANAGER, EAST INDIAN RAILWAY, CALCUTTA.**

**†1343. \*Mr. E. H. M. Bower:** Will Government be pleased to state:

- (a) what qualifications are required for the post of Chief Claims Clerk in the office of the Deputy Chief Commercial Manager, East Indian Railway, Calcutta;
- (b) whether a candidate for this post is required to have practical outdoor experience in connection with claims work and, if so, in what capacities;
- (c) whether office experience as a head of a claims-dealing section only is considered essential qualification for the above post; and
- (d) what departmental examinations is such an aspirant required to pass to be considered eligible for this post?

† For answer to this question, see answer to question No. 1342.



## DEFINITION OF "UPPER SUBORDINATES" ON STATE RAILWAYS.

1344. \***Mr. E. H. M. Bower:** (a) Will Government be pleased to give a definition of the term "upper subordinate" as used in respect to employees on State Railways?

(b) Is the position of an upper subordinate on a State Railway dependent on his substantive salary?

(c) If the answer to part (b) be in the negative, will Government please state the qualifications which entitle a subordinate to be termed as an "upper subordinate"?

**Mr. P. R. Rau:** (a), (b) and (c). Pensionable subordinates in the Engineering Department of State-managed Railways, *viz.*, Sub-Engineers, Supervisors and Overseers are designated "Upper Subordinates". Passed students of the Upper Subordinate class of the Thomason Engineering College, Roorkee, were eligible for appointment to the Upper Subordinate Establishment on State-managed Railways. Recruitment to this Establishment was discontinued some time ago. I would add that the expression "Upper Subordinates" is also sometimes used, though not in a definite sense, to refer to the higher grades of the subordinate establishments of railways.

**Mr. E. H. M. Bower:** Arising out of this answer, do I take it that the position of Upper Subordinates does not depend on the salary?

**Mr. P. R. Rau:** No; I have explained what is strictly meant by the term "Upper Subordinates": it means pensionable subordinates in the Engineering Department of State-managed Railways, *viz.*, Sub-Engineers, Supervisors and Overseers.

**Mr. E. H. M. Bower:** If so, will Government please state if an Upper Subordinate is really a subordinate who has no other subordinate supervising his work, but is one who works directly under a gazetted officer?

**Mr. P. R. Rau:** I am not quite familiar with the exact position of Upper Subordinates on Railways: and, if my Honourable friend wants a definite reply to his question, I must ask him to put a definite question on the paper.

## APPOINTMENT OF NEW PROBATIONERS IN THE OFFICIAL CADRE ON THE GREAT INDIAN PENINSULA RAILWAY.

1345. \***Mr. E. H. M. Bower:** (a) Will Government please state whether it is a fact that two new probationers have been engaged in the official cadre on the Great Indian Peninsula Railway and posted one at Bhusawal and the other at Igatpuri?

(b) Will Government please give the reasons why these new appointments were made when there are so many subordinates who have been acting in the official grade for many years?

(c) Is it not a fact that the Railway Board have given an assurance that there would be no more recruitment in the official cadre from outside sources as there were many Europeans, Anglo-Indians and Indians who are in the acting grade and are qualified for promotion?

**Mr. P. R. Rau:** (a) and (b). No recruitment for the Superior Service for the Great Indian Peninsula Railway has been made during the current financial year. An officer who joined the service in April this year was recruited on the results of the examination held by the Public Service Commission in November, 1931. The recruitment which had been arranged for on a normal scale in the previous years was restricted as soon as it became evident that a large number of posts would be brought under reduction.

(c) No; the only statement made was that the new Lower Gazetted Service was intended essentially for specially selected subordinates with no outside recruitment.

**CREATION OF THE POST OF PERSONAL ASSISTANT TO THE POWER OFFICER AT BHUSAWAL.**

**1346. \*Mr. E. H. M. Bower:** (a) Is it a fact that the Great Indian Peninsula Railway has recently created an extra post as Personal Assistant to the Power Officer at Bhusawal?

(b) Is it a fact that there are already two Power Officers in this Division?

(c) Do Government propose to retain this additional officer in this post?

(d) If the answer to part (c) be in the negative, will Government please state for what period is his post to be kept filled?

**Mr. P. R. Rau:** I have called for the information and will lay a reply on the table in due course.

**AMALGAMATION OF THE TRANSPORTATION AND COMMERCIAL DEPARTMENTS ON STATE RAILWAYS.**

**1347. \*Mr. E. H. M. Bower:** Have Government taken any steps for the amalgamation of the Transportation and Commercial Departments on State Railways and particularly on the Great Indian Peninsula Railway as suggested by Lieut.-Col. Sir Henry Gidney last year?

**Mr. P. R. Rau:** The question has been investigated by an officer on special duty and his report is at present under the consideration of the Railway Board.

**RETRENCHMENT OF SENIOR ACCOUNTS INSPECTORS BY THE CHIEF ACCOUNTS OFFICER, GREAT INDIAN PENINSULA RAILWAY.**

**1348. \*Mr. E. H. M. Bower:** Will Government please state who authorised the Chief Accounts Officer of the Great Indian Peninsula Railway to effect retrenchment of three senior Accounts Inspectors on the communal basis?

**Mr. P. R. Rau:** I am informed that there was no retrenchment effected on a communal basis.

**NON-APPLICATION OF THE RAILWAY BOARD MEMORANDUM No. 5565 OF 1929; TO THE GREAT INDIAN PENINSULA RAILWAY INSPECTORS OF STATIONS AND STORES.**

**1349. \*Mr. E. H. M. Bower:** (a) Will Government please state why the conditions and provisions contained in the Railway Board Memorandum

No. 5565, dated New Delhi, the 31st July, 1929, are not applied to the Great Indian Peninsula Railway Inspectors of Stations and Stores?

(b) Will Government please state what has happened to moneys sanctioned under Budget estimates since 1929 on the said Memorandum?

**Mr. P. R. Rau:** (a) I am not aware of any of these conditions or provisions which are not applied to the Great Indian Peninsula Railway Accounts Department.

(b) I am sorry I have been unable to understand this question.

#### AMOUNT SPENT ON THE CONSTRUCTION WORKS AT BHUSAWAL IN THE RUNNING SHED.

**1350. \*Mr. E. H. M. Bower:** (a) Will Government please state whether it is a fact that the Great Indian Peninsula Railway has spent nearly Rs. 2½ lakhs on some construction works at Bhusawal in the running shed?

(b) Is it a fact that the Railway Board promised that no such expenses would be incurred until better times come?

**Mr. P. R. Rau:** (a) An estimate amounting to some Rs. 3½ lakhs for additions and alterations to the locomotive running shed at Bhusawal was sanctioned by the Railway Board in June, 1931.

(b) I have not been able to trace any such promise.

#### NON-ALLOTMENT OF A SEAT TO INDIAN CHRISTIANS IN THE CENTRAL PROVINCES IN THE COMMUNAL AWARD.

**1351. \*Mr. E. H. M. Bower:** (a) Are the Government of India aware of the fact that in the "Communal Award" no seats whatever have been allotted to the Indian Christian community in the Central Provinces?

(b) If the answer to part (a) be in the affirmative, will Government state whether they are prepared immediately to represent this matter to the authorities concerned?

**The Honourable Sir Brojendra Mitter:** (a) Yes.

(b) I would refer the Honourable Member to paragraph 4 of the Communal Decision.

**Dr. F. X. DeSouza:** Are Government aware that the Indian Christian community in the Central Provinces numbers 40,000, but has not been allotted even one seat, whereas Anglo-Indians, who hardly number 1,500 or 2,000, have been given two seats and Europeans, who number even less, have been given one seat?

**The Honourable Sir Brojendra Mitter:** I have not the figures before me, but I am prepared to accept the figures from the Honourable Member.

**Dr. F. X. DeSouza:** Will Government be pleased to state why, in spite of the numerical and cultural importance of my community, the claims of this community for representation in the Legislative Council and Legislative Assembly and the Round Table Conference have been consistently ignored? Is it because they have hitherto completely abstained from taking part in anti-Government agitation?

**The Honourable Sir Brojendra Mitter:** The Government of India are not responsible for the Communal Decision.

**Mr. K. Ahmed:** Did the Government of India Despatch contain anything of their information on the subject to the Secretary of State or the Prime Minister and was it laid before the Round Table Conference before the Award was given?

**The Honourable Sir Brojendra Mitter:** So far as the Government of India are concerned, full materials were placed before His Majesty's Government and the decision was taken by His Majesty's Government. The Government of India are not in any way responsible for the decision.

**Mr. K. Ahmed:** The responsibility cannot be transferred to some other Honourable Member at Home, unless the Government fully explain their position that they clearly and definitely set forth in their Despatches the numerical position and claims raised by the Honourable Member representing the Indian Christian community and that in what he wants to be satisfied with if the Honourable the Law Member will be pleased to state?

**The Honourable Sir Brojendra Mitter:** What is the question? (Laughter.)

**Mr. K. Ahmed:** Did the Government of India and the Law Member realise the situation that unless they cleared up the difficulties created by the Honourable Member himself stating already that the full material were placed in this Despatch, but at the same time he has not explained at all whether the numerical position of the Indian Christian community was stated therein and whether they took sufficient care to give particulars of the numerical position of the Indian Christians in their Despatches to the Secretary of State before the Award was given ignoring their claim?

**The Honourable Sir Brojendra Mitter:** Sir, I am really unable to follow the question?

**Mr. K. Ahmed:** If the Honourable the Law Member will kindly apply his mind to this question, he will be able to follow it. Did the Government of India particularly and specifically mention the numerical position of the Indian Christians in India in their Despatch to the Secretary of State?

**The Honourable Sir Brojendra Mitter:** I can only repeat that full information was placed before His Majesty's Government, and His Majesty's Government have taken a decision for which the Government of India take no responsibility.

**Mr. K. Ahmed:** Sir, it is hopeless to continue any further?

**Mr. Amar Nath Dutt:** May I know whether the Government of India made any recommendation about any province? I refer particularly to Bengal, and whether it is a fact that the recommendation of the Government of Bengal was not accepted by the Government of India who substituted their own recommendation for that of the Government of Bengal?

**The Honourable Sir Brojendra Mitter:** I do not accept any of the assumptions.

**Mr. S. G. Jog:** Are the Government of India aware that there is a strong feeling in the Central Provinces that the Indian Christian community have not been allotted even a single seat in the Legislative Council of that Province?

...

**The Honourable Sir Brojendra Mitter:** I could not follow the last part of the Honourable Member's question. Will he kindly repeat it?

**Mr. S. G. Jog:** Are the Government of India aware of a strong feeling among the Indian Christian community for their not having been allotted a single seat in the Central Provinces Legislative Council?

**The Honourable Sir Brojendra Mitter:** I gather there is a feeling amongst certain Members of this House.

**Mr. D. K. Lahiri Chaudhury:** Will this feeling be communicated to His Majesty's Government?

**Mr. S. G. Jog:** My question is not as regards the feeling of certain Members in this House. My question is, whether Government are aware of any such feeling among the Indian Christian community in the Central Provinces?

**The Honourable Sir Brojendra Mitter:** I am not aware of any such feeling.

**Mr. D. K. Lahiri Chaudhury:** Will the Government of India be prepared to communicate this matter to His Majesty's Government?

**The Honourable Sir Brojendra Mitter:** No, Sir; no useful purpose will be served by communicating it to His Majesty's Government.

**Mr. Lalchand Navalrai:** All that we can infer is that the Government of India do not know what takes place outside?

**The Honourable Sir Brojendra Mitter:** The Government of India know a great deal more than what the Honourable Member assumes.

**Mr. Lalchand Navalrai:** Then I want to know whether there is any such feeling outside the House or not. If the Government know about public opinion outside, then the Honourable Member should be in a position to say what is the public opinion on this point outside?

**The Honourable Sir Brojendra Mitter:** All I can say is this, that mere ascertainment of public opinion on any particular question will serve no useful purpose, because paragraph 4 of the Communal Decision has clearly laid down the condition upon which that decision may be altered.

#### REPRESENTATION BY LEGAL ADVISERS OF RAILWAY EMPLOYEES IN DEPARTMENTAL ENQUIRIES.

1352. **\*Mr. E. H. M. Bower:** Will Government be pleased to state whether, in all departmental enquiries (particularly on Railways), with special reference to those enquiries that are likely to result in the discharge or dismissal of an employee, the employee is entitled to be represented by a legal adviser or an agent with power of attorney? If not, why not?

**Mr. P. R. Rau:** Rules regarding departmental enquiries do not provide for the representation by a legal adviser of the Government servant whose conduct is under investigation. Government consider this unnecessary.

**GOVERNMENT SERVANTS JOINING DULY REGISTERED LABOUR UNIONS.**

1353. **\*Mr. E. H. M. Bower:** (a) Will Government be pleased to inform this House, whether all their servants (excluding the military), irrespective of grade, are permitted to join any duly registered labour union?

(b) If not, why not?

**The Honourable Mr. H. G. Haig:** While the rules at present in force do not specifically prohibit officers of any grade from joining any union, registered or otherwise, Government recognition is confined to unions of their servants which conform with the recognition rules.

**Dr. Ziauddin Ahmad:** What are these recognition rules?

**The Honourable Mr. H. G. Haig:** They are rules laid down by the Government of India.

**Dr. Ziauddin Ahmad:** Are they published anywhere?

**The Honourable Mr. H. G. Haig:** I do not think they have been published.

**Dr. Ziauddin Ahmad:** Will the Honourable Member kindly arrange to supply a copy of those rules to the Members of the Assembly?

**The Honourable Mr. H. G. Haig:** If the Honourable Member will put down a question, I will consider the matter.

**Dr. Ziauddin Ahmad:** Will he kindly take this question for notice?

**ALLEGED IRREGULARITIES IN SOME FILES OF THE OFFICE OF THE CONTROLLER OF STORES.**

1354. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that serious irregularities in some files of the office of the Controller of Stores have been discovered by the Audit Department; that sheets have been removed from contract ledgers, and new ones inserted in their places to cover up shady transactions; that sealed samples have been spirited away from the sample room, and inferior samples substituted?

(b) Will Government kindly state what are the facts, indicating the extent of loss, if any, the persons implicated, and the steps taken in the matter?

**The Honourable Sir Frank Noyce:** The irregularities referred to by the Honourable Member were not discovered by the Audit Department, but by the Stores Department itself. Enquiries are now in progress and the matter is receiving my personal attention.

**Mr. Gaya Prasad Singh:** I thank the Honourable Member for promising to give his personal attention to this matter, but, in view of the seriousness of the allegation, will he be pleased to communicate the result to this House at a later stage?

**The Honourable Sir Frank Noyce:** I will consider that after the report on the irregularities has been received.

## ALLEGATIONS AGAINST GARHWALI SOLDIERS AT MIDNAPUR.

1355. \*Mr. Gaya Prasad Singh: Are Government aware that Mr. Sudhamay Bannerjee, a pleader of Midnapur (Bengal), was proceeding from the Criminal to the Civil Court on his cycle on or about the 22nd October, 1932, and when he saw a batch of four or five soldiers of the Garhwali Regiment coming from the opposite direction, the pleader at once took himself to the left-hand side, but a soldier kicked the cycle down, and the gentleman sustained bodily injuries? If so, what action, departmental or otherwise, has been taken in the matter; and with what result?

Mr. G. R. F. Tottenham: A report has been called for and a reply will be laid on the table when it is received.

## TRANSFER OF WOMEN PRISONERS TO THE ANDAMANS.

1356. \*Mr. Gaya Prasad Singh: (a) Is it a fact that women prisoners have been, or are about to be, sent to the Andamans? If so, how many, who are they, and for what offence have they been convicted?

(b) Are Government aware that the Jail Committee reported (Volume I. para. 626), that "the deportation to the Andamans of all female convicts, and the great majority of the male convicts should be put an end to as soon as possible"? Was not this recommendation accepted by Government?

The Honourable Mr. H. G. Haig: I would refer the Honourable Member to the reply which I gave to Rai Bahadur Sukhraj Roy's starred question No. 1249 on the 16th November to which I have nothing to add.

## APPRECIATION OF THE PAST WORK OF INDIANS IN TANGANYIKA.

1357. \*Mr. Gaya Prasad Singh: (a) Has the attention of the Government been drawn to the *Tanganyika Opinion* of the 29th July, 1932, page 16, where appears a message from Kunwar Maharaj Singh, the new Agent General of the Government of India in South Africa?

(b) Have Government noted that in his opinion the past work of the Indians in Tanganyika deserves every recognition and appreciation?

Mr. G. S. Bajpai: (a) and (b). Yes, Sir.

## UNIFICATION OF THE TANGANYIKA POSTAL AND TELEGRAPH DEPARTMENT WITH THAT OF KENYA AND UGANDA.

1358. \*Mr. Gaya Prasad Singh: (a) Has the attention of the Government been drawn to the *Tanganyika Opinion* of September 2nd, 1932, page 3, under the heading "Is Postal Unification Settled? What is the fact?"; page 6, under the heading "Kenya P. M. G.'s Arguments for Postal Union under Fire"; page 11, under the heading "Some Powerful Shells on Postal Unification"?

(b) Has the attention of the Government been drawn to the memorandum of the Dar-es-Salaam Indian Association to the Secretary of State for the Colonies against the postal unification as reproduced in the *Tanganyika Opinion* of the 16th September, 1932, at page 3? Has this question been settled? If so, in what way?

**Mr. G. S. Bajpai:** (a) Yes.

(b) The reply to the first part is in the affirmative and to the second part in the negative. Government are informed that there is no intention of coming to final conclusions in the matter without affording full opportunity for public criticism.

**Mr. Gaya Prasad Singh:** Do I understand the Honourable Member to say that the proposed unification has already been decided upon by the Government?

**Mr. G. S. Bajpai:** No, Sir; there is no intention of coming to conclusions in the matter without affording full opportunity for public criticism.

**Mr. Gaya Prasad Singh:** Are Government aware that this matter was not referred to the Legislative Council of Tanganyika?

**Mr. G. S. Bajpai:** That is perfectly true, but my Honourable friend would be able to infer from what I have said that the Legislative Council will have an opportunity of considering the matter.

**Mr. Gaya Prasad Singh:** Are the Government of India aware that in the Legislative Council in Tanganyika the Honourable Mr. Jardine, Chief Secretary to the Government, virtually stated that it was a settled fact, and added that "if ever there was found to be any loss of efficiency, the Government of Tanganyika will retreat from the arrangement". Does it not indicate that the settlement has already been arrived at?

**Mr. G. S. Bajpai:** Will my Honourable friend kindly let me know the date of the alleged statement?

**Mr. Gaya Prasad Singh:** I am quoting from the *Tanganyika Opinion*, dated the 7th of October, 1932. I will hand over the copy to the Honourable Member if he wants it.

**Mr. G. S. Bajpai:** My information is somewhat later than that, and it amounts to this, that no decision has yet been reached, and that before a final decision is reached, the Tanganyika Legislative Council will have an opportunity of expressing its views upon the matter.

**Mr. Gaya Prasad Singh:** Are Government aware that some Members of the Tanganyika Legislative Council, Major Wells and Mr. Wyndham, also suggested that the Post Master General for the unified services should be recruited from England?

**Mr. G. S. Bajpai:** That is quite possible, but I do not think that it in any way detracts from the accuracy of the statement which I have made.

#### INSECURITY OF LIVES AND PROPERTY OF INDIANS AT DAR-ES-SALAAM.

1359. **\*Mr. Gaya Prasad Singh:** Have Government noted in the *Tanganyika Opinion*, weekly edition, 16th September, 1932, under the heading "A Call to the Police", that the lives and property of the Indian section of the non-native communities in Dar-es-Salaam are not secure



against the law-breakers? Do Government propose to make any representations to the Government of Tanganyika on the subject so as to assist the Indian community in that territory?

**Mr. G. S. Bajpai:** Government have seen the articles referred to by the Honourable Member. They consider that the matter can most suitably be dealt with by the Indian community in Tanganyika making direct representations to the Government of the territory.

#### FACILITIES FOR THE EDUCATION OF INDIAN CHILDREN IN TANGANYIKA.

1360. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the leading article in the *Tanganyika Opinion*, weekly edition, at page 10 of the issue, dated the 30th September, 1932, under the heading "Education and Literacy"?

(b) Is it a fact that, out of a total of 6,598 Indian boys and girls of school-going age, only 500 children were provided for by the Government of Tanganyika?

(c) Are Government prepared to take early steps to negotiate with the Colonial Office in order that more facilities for the education of the Indian children may be provided so as to be compatible with the needs of the community?

**Mr. G. S. Bajpai:** (a) Yes, Sir.

(b) The statement appears to be incomplete because according to the Tanganyika Blue-Book for 1931, the Government of the territory also made grants-in-aid to private schools with an enrolment of 1,351.

(c) Government have received no representations on the subject from the Indian community of Tanganyika and have no doubt that the matter will be dealt with, if necessary, by the representatives of the community in the local Legislative Council.

#### UNIFICATION OF THE TANGANYIKA POSTAL AND TELEGRAPH DEPARTMENT WITH THAT OF KENYA AND UGANDA.

1361. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the memorandum which the Dar-es-Salaam Indian Association has addressed to the Permanent Mandates Commission of the League of Nations opposing postal unification as reproduced in the *Tanganyika Opinion* of the 7th October, 1932, at pages 3, 4, 5, 6, 7 and 8?

(b) Has the attention of the Government been drawn to the article in the *Tanganyika Opinion* of 21st October, 1932, at page 11, under the heading "Postal Unification an Accomplished Fact"?

(c) Have Government received any representation from the Dar-es-Salaam Indian Association requesting Government to seek expert legal opinion on the subject whether the Permanent Court of International Justice should be moved? What action, if any, has been taken in the matter?

**Mr. G. S. Bajpai:** (a) and (b). Yes.

(c) The answer to the first part is in the affirmative. As regards the second part, Government do not consider that the necessity for any such action has arisen.

## UNSTARRED QUESTIONS AND ANSWERS.

### SPEECHES AT, AND CORRESPONDENCE RELATING TO, THE OTTAWA CONFERENCE.

197. **Mr. Bhuput Singh:** Will Government be pleased to place in the Library of the House:

- (a) the full text of the speeches made by the different delegates, official and non-official, that represented India at the Ottawa Conference, on the different subjects that came up for discussion there; and
- (b) the full details of the correspondence that passed between the Home Government and the Government of India before and after the Ottawa Conference relating to the subject matters of that Conference?

**The Honourable Sir Joseph Bhore:** (a) Copies of the Report of the Imperial Economic Conference, 1932, and Appendices to the Summary of Proceedings containing the published speeches are already in the Library of the Legislature. The Government of India have received no other publication containing speeches made at the Conference by members of the Indian Delegation.

(b) As the correspondence is confidential, I regret that I am not able to comply with the request of the Honourable Member.

### POSTPONEMENT OF APPLICATION OF THE INDIAN RAILWAYS (AMENDMENT) ACT, 1930, TO THE BENGAL AND NORTH WESTERN RAILWAY.

198. **Pandit Satyendra Nath Sen:** (a) Is it a fact that the application of the Indian Railways (Amendment) Act, (XIV) of 1930, to the Bengal and North Western Railway has been postponed by Government?

(b) If so, will Government be pleased to state:

- (i) when and for how long its application has been postponed;
- (ii) whether it was postponed at the request of the authorities of that Railway or on their own accord;
- (iii) whether its application was postponed on account of financial stringency; and
- (iv) whether this Railway Company has not declared a dividend of 15 per cent. for its financial year ending the 30th September, 1931?

(c) If the reply to part (b) (iv) be in the affirmative, will Government be pleased to state:

- (i) whether the application of the Act was not possible with such an enormous profit;
- (ii) what should be the average income of the Railways to enable the application of the Act to them; and
- (iii) whom Government propose to hold responsible for stating that there was financial stringency on this Railway?

**Mr. P. R. Rau:** (a) and (b) (i) to (iii). I would refer the Honourable Member to the Railway Board's Communiqué of the 18th March, 1932, a copy of which will be found in the Library of the House.

(b) (iv). Government understand that the Board of Directors of the Bengal and North Western Railway Company, Limited, had recommended, inclusive of *interim* Dividend, a Dividend and bonus of 16 per cent. for the year ended 30th September, 1931.

(c) (i). Government consider that the question of meeting the additional expenditure that will be involved if the Act is to be applied to railways to which they have not yet been applied should be considered with reference to the financial position of all railways taken together and not with reference to any one particular line.

(c) (ii). Government are unable to express a definite opinion on this point at present but the question of applying the Act to Company-managed Railways will be considered when the financial position improves.

(c) (iii). I am not aware to what statement my Honourable friend refers.

#### COMPULSORY LEAVE FOR SIGNALLERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

199. **Pandit Satyendra Nath Sen:** (a) Is it a fact that a number of signallers on the Bengal and North Western Railway have been given compulsory leave as a measure of retrenchment?

(b) If so, will Government please state:

(i) how many and for how long;

(ii) what has led the Railway to effect retrenchment; and

(iii) whether they are satisfied that the withdrawal has not put the remaining staff to undue hardship?

**Mr. P. R. Rau:** I have called for information and will lay a reply on the table in due course.

#### MORE HOLIDAYS TO DAILY-RATED WORKMEN OF GORAKHPUR AND SAMASTIPUR WORKSHOPS.

200. **Pandit Satyendra Nath Sen:** (a) Is it a fact that on the Bengal and North Western Railway daily-rated workmen of the Workshops at Gorakhpur and Samastipur are given more holidays than they actually require and more than the number of actual holidays, without payment of wages?

(b) If so, will Government be pleased to state the reason that justifies the grant of so many holidays when actually there are no holidays?

**Mr. P. R. Rau:** (a) and (b). The Agent reports that to avoid discharging surplus staff the system of short time working is being employed which involves the closing of the workshops at both Gorakhpur and Samastipur for a certain number of days, not exceeding two per month exclusive of gazetted holidays. The workmen do not receive wages for the days the shops are so closed.

#### NEW LEAVE RULES FOR SUBORDINATE STAFF ON THE BENGAL AND NORTH WESTERN RAILWAY.

201. **Pandit Satyendra Nath Sen:** (a) Is it a fact that on the Bengal and North Western Railway scales of leave, so far granted to the subordinate staff, have been reduced with effect from the 1st April, 1932?

(b) If so, what are the new scales and what are the reasons that justify the introduction of the new leave rules?

**Mr. P. R. Rau:** I have called for information and will lay a reply on the table in due course.

#### PROPOSED RETRENCHMENT OF WORKMEN ON THE BENGAL AND NORTH WESTERN RAILWAY.

**202. Pandit Satyendra Nath Sen:** (a) Is it a fact that on the Bengal and North Western Railway there is a proposal to reduce the number of the workmen?

(b) If so, how many men are expected to be involved and what would be the approximate saving to the Railway by making such retrenchment?

**Mr. P. R. Rau:** (a) The Agent reports that there is no proposal to reduce the number of workmen provided that there is no further decline in traffic.

(b) Does not arise.

#### PROVISION OF CHAIRS TO THE CLERICAL STAFF ON THE BENGAL AND NORTH WESTERN RAILWAY.

**203. Pandit Satyendra Nath Sen:** (a) Is it a fact that the clerks in the audit office and at stations on the Bengal and North Western Railway are not provided with chairs for their seats, but that they are provided with stools?

(b) If so, will Government be pleased to state:

- (i) why they are not provided with chairs;
- (ii) whether they propose to draw the attention of the Agent, Bengal and North Western Railway, to the necessity of providing chairs to those who do clerical duties; and
- (iii) which are the other Railways which have provided stools to their clerical staff?

**Mr. P. R. Rau:** Government have no information, but I will bring the Honourable Member's question to the notice of the Agent, Bengal and North Western Railway.

#### INTIMIDATION OF EMPLOYEES SEEKING REDRESS OF GRIEVANCES THROUGH THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

**204. Pandit Satyendra Nath Sen:** (a) Are Government aware that on the Bengal and North Western Railway some petty officials have made it a point to intimidate those employees of the Railway who work for the Bengal and North Western Railwaymen's Association and who seek redress of their grievances through it?

(b) Are Government aware of the following facts:

- (i) that one Chhedi, a fitter of the Locomotive and Carriage Workshops, Gorakhpur, while on duty, sustained injury to one of his eyes resulting in its total failure;

- (ii) that after his injury healed after a treatment for two months and five days, he was given by the Principal Medical Officer a fit certificate and he was allowed to resume his work about the 26th January, 1930;
  - (iii) that he worked till the 19th August, 1930, or for about seven months;
  - (iv) that his case for compensation, under the Workmen's Compensation Act, was represented to the Agent of the Railway by the Bengal and North Western Railwaymen's Association;
  - (v) that the Agent did not reply to the representation made to him;
  - (vi) that the case was ultimately referred to the Workmen's Compensation Commissioner resulting in the payment of the Compensation on the 19th August, 1931;
  - (vii) that the very day he got the compensation he was removed from his employment;
  - (viii) that representations for the reconsideration of his case to the Railway authorities made by him and, on his behalf, by the Bengal and North Western Railwaymen's Association proved to be of no use; and
  - (ix) that failing to receive a reply from the Agent, the Association again approached the Workmen's Compensation Commissioner and the Agent wrote to the Commissioner to the effect that the loss of one eye of the man concerned rendered him no longer fit for further service?
- (c) If the answer to part (b) (ii) and (ix) be in the affirmative, will Government kindly say what led the Principal Medical Officer to grant him a fit certificate and why the man was allowed to work for seven months, if he was no longer fit for further service?

(d) Are Government aware of the following facts:

- (i) that one Alijan, a fitter of the running shed, Samastipur, sustained injury to his left eye while on duty on the 6th August, 1931, resulting in its total failure;
- (ii) that when his injury healed after a course of treatment for one month and seventeen days, he was given a fit certificate by the railway doctor and was allowed to resume his work and he worked as a fitter till the 5th November, 1931, or for a month and a half; and
- (iii) that in the meantime his case for compensation, under the Workmen's Compensation Act, was represented by the Bengal and North Western Railwaymen's Association to the Agent of the Railway on the 20th October, 1931, and the man was removed from his employment on the 4th November, 1931, or within a week of the representation?

**Mr. P. R. Rau:** I have called for certain information and will lay a reply on the table in due course.

**PURCHASE OF THE BENGAL AND NORTH WESTERN AND ROHILKUND AND  
KUMAON RAILWAYS.**

**205. Pandit Satyendra Nath Se :** Will Government be pleased to state :

- (a) what they have been pleased to do in the matter of the future administration of the Bengal and North Western and Rohilkund and Kumaon Railways, and
- (b) when these two Railways are to be the properties of the State?

**Mr. P. B. Rau:** (a) and (b). I would refer the Honourable Member to the Railway Department Notification No. 6370-F., dated 16th May, 1932, published at pages 645 to 651 of Part I of the Gazette of India, dated 21st May, 1932.

**GRIEVANCES OF THE PUBLIC AGAINST THE BENGAL AND NORTH WESTERN  
RAILWAY.**

**206. Pandit Satyendra Nath Sen:** (a) Has the attention of Government been drawn to the letter of Rai Sahib Madhusudan Das, an Honorary Assistant Collector of Gorakhpur, appearing under the heading "B. and N. W. Railway Future", in the column "Letters to the Editor", page 14, of the *Hindustan Times* of June 6, 1931, and in a number of other papers enumerating a large number of grievances of the public against the Bengal and North Western Railway?

(b) If so, what action were Government pleased to take to ensure the redress of these grievances?

(c) If the reply to part (a) be in the negative, what steps do Government propose to take to get a copy of the paper for necessary action?

(d) Will Government please state :

- (i) why so many deficiencies were allowed to exist so long;
- (ii) what action is taken or is to be taken against the Railway Administration for allowing them to exist so long; and
- (iii) what action they took in the past for the removal of these grievances?

**Mr. P. B. Rau:** (a) Government have seen the letter referred to, and have from time to time seen complaints published in other newspapers regarding certain matters on the Bengal and North Western Railway Administration.

(b) A copy of the letter has been sent to the Agent, Bengal and North Western Railway, for such action as he considers necessary.

(c) Does not arise.

(d) (i) and (ii). A report on the Bengal and North Western Railway is submitted annually by the Government Inspector of Railways, and the reports for recent years have not indicated that there are serious deficiencies in the Administration.

(d) (iii). In 1922, as a result of complaints regarding the Bengal and North Western Railway, an enquiry into the working of this railway was made by a Government Inspector of Railways at the request of the Administration. The result of that enquiry showed that the Railway

Administration were studying the convenience of the public and were willing to meet all reasonable demands. In 1928, the Agent of the Bengal and North Western Railway, together with the Agents of other Class I Railways, was asked to look into certain specific grievances of the travelling public and, since then, certain steps have been taken to improve conditions.

**CANVASSING BY CLERKS FOR RETENTION OF COMPANY ADMINISTRATION OF THE BENGAL AND NORTH WESTERN RAILWAY.**

**207. Pandit Satyendra Nath Sen:** (a) Has the attention of Government been drawn to the letter of Mr. Ram Pershad Bhalotia, published in the *Aj of Benares*, dated the 1st August, 1931, under the heading "B. and N. W. Railway"?

(b) If so, will Government be pleased to state whether the Railway clerks canvassed public opinion in favour of the retention of the administration of this Railway by its present Company?

(c) Will Government please state:

(i) whether such canvassing was done with the sanction of the Government; and

(ii) if such propaganda was not done with the approval of the Government, what action has been taken by them against it?

**Mr. P. R. Rau:** (a) No.

(b) Government are not aware that there was any such canvassing.

(c) Does not arise.

**RECOGNITION OF RAILWAYMEN'S UNIONS BY RAILWAY ADMINISTRATIONS.**

**208. Pandit Satyendra Nath Sen:** (a) Will Government be pleased to state whether the Railway Board have notified their orders, if they have passed any, to the Railway Administrations, in regard to the recognition of the Railwaymen's Unions in accordance with the recommendations of the Royal Commission on Labour?

(b) If so, will Government please say:

(i) which of the Railway Administrations have carried out the orders of the Railway Board in this respect; and

(ii) why the other Railway Administrations have not carried them out?

**Mr. P. R. Rau:** (a) and (b). The recommendations in question are still under consideration and orders have not yet issued.

**FACILITIES BY RAILWAY ADMINISTRATIONS TO UNIONS FOR ACCOMMODATION OF THEIR OFFICES.**

**209. Pandit Satyendra Nath Sen:** (a) Is it a fact that the Railway Board issued orders to the Railway Administrations to the effect that accommodation should be given for the use of the offices of the unions of their employees? If so, with what result?

(b) Has any of the Administrations not carried out the orders in this respect? If not, why not?

**Mr. P. R. Rau:** (a) and (b). No orders of the nature referred to by the Honourable Member were issued to Railway Administrations though they were informed that the Railway Board had decided to leave it to the discretion of each Railway Administration to deal with individual applications from its recognised Union for the grant of railway quarters or building sites on railway land.

The other parts of the question do not, therefore, arise.

**COMMUNAL COMPOSITION OF THE OFFICE OF THE ACCOUNTANT GENERAL,  
UNITED PROVINCES.**

**210. Khan Bahadur Haji Wajihuddin:** Will Government kindly state whether the communal composition of the office of the Accountant General, United Provinces, so far as the Muslims are concerned, is as follows:

Total number of the posts.	Posts held by Mussalmans.
5 Assistant Accounts Officers . . . . .	Nil.
45 Subordinate Service Accountants . . . . .	Nil.
406 Clerks . . . . .	32 Permanent and 11 Temporary.
11 Typists . . . . .	Nil.
15 Record Clerks . . . . .	3†

**The Honourable Sir George Schuster:** With your permission, Sir, I will deal with questions Nos. 210 to 213 together.

Enquiry is being made and complete replies will be laid on the table in due course.

**CONFIRMATION OF MUSLIM CLERKS IN THE OFFICE OF THE ACCOUNTANT  
GENERAL, UNITED PROVINCES.**

†**211. Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that the number of the temporary clerks of the Muslim community was 34 in the experimental offices of Audit and Accounts in the United Provinces and that this number has now come down to 11 as a result of retrenchment in those offices?

(b) Are Government aware that the Auditor General has recently decided to remove the embargo on the confirmation of the temporary clerks in the office of the Accountant General, United Provinces, and that 58 such clerks will now be confirmed?

(c) Are Government aware that out of the 11 temporary Muslim clerks, only nine can be confirmed at present and that the number of such clerks belonging to the other minority communities is only five?

(d) Will Government kindly state what steps they propose to take in order to give 1/3rd share of these confirmations to the minority communities? Do they intend to re-appoint the discharged Muslim clerks and confirm them? If not, do they propose to reserve the balance of the 1/3rd posts to be substantively filled by the discharged Muslim clerks in future? Is it a fact that the total number of the clerks of this predominant minority community is very small?

† For answer to this question, see answer to question No. 210.



**PROPOSED REMOVAL OF TWO MUSLIM TEMPORARY CLERKS IN THE UNITED PROVINCES ACCOUNTS OFFICE.**

†212. **Khan Bahadur Haji Wajihuddin:** Are Government aware that the Auditor General has decided to remove two Muhammadan temporary clerks now serving as machinists in the United Provinces Accounts office, and to take two senior Muhammadan discharged clerks in their places? Are they aware that these two senior clerks will be treated as fresh recruits and it would not be possible to confirm them at present with the result that the Muslim community will lose two places in confirmations? How do Government propose to remedy the situation?

**SAFEGUARDING OF MUSLIM INTERESTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES.**

†213. **Khan Bahadur Haji Wajihuddin:** Are Government aware that the Auditor General had decided in 1929 to stop the recruitment of the majority community in the experimental offices in the United Provinces? Are they also aware that these orders were not followed in the subsequent appointment of temporary clerks in those offices and that the number of the Muslim clerks could not be raised appreciably? Are Government aware that whatever Muslim clerks were recruited between 1926 and 1931 have now been discharged as a result of retrenchment and the door to their future recruitment has been barred by the abolition of permanent vacant posts due to the relaxation of processes of audit and accounts and the decision of the Accountant General to keep six vacant posts unfilled for the probable future reversions of the majority community clerks, now on deputation? If so, are Government prepared to take proper action to safeguard the interests of the Muslim community in the office of the Accountant General, United Provinces.

**STATEMENTS LAID ON THE TABLE.**

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I lay on the table the information promised in reply to starred question No. 1048  
12 Noon. asked by Mr. K. C. Neogy on the 28th September, 1932.

**ASSOCIATION OF FEMALE CIVIL DISOBEDIENCE PRISONERS IN JAIL WITH PROSTITUTES, ETC.**

\*1048. (a) The usual practice is as far as possible to keep female civil disobedience prisoners separate from other female prisoners, and in the majority of the provinces there have been no complaints such as are referred to. In two provinces only complaints have been made. It must be understood that it is not always possible, owing to lack of jail accommodation, to provide for separation of C class female civil disobedience prisoners from other female prisoners.

(b) A copy of the Committee's report was received by the Government of Bombay. The suggestion that it was the policy of Government to force female political prisoners into association with undesirable characters is entirely without foundation.

†For answer to this question, see answer to question No. 210.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 834 asked by Sirdar Sohan Singh on the 26th September, 1932; and
  - (ii) the information promised in reply to starred question No. 1020 asked by Mr. K. C. Neogy on the 28th September, 1932.
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**APPOINTMENT OF A MEMBER OF THE LAHORE CANTONMENT BOARD AS THE EXECUTIVE OFFICER.**

\*834. (a), (b) and (c). An officer of the Cantonments Department had already been appointed by Government as Executive Officer of the Lahore Cantonment Board when the resolution was moved at the meeting of the Board on the 30th April, 1932. The mover of the resolution was apprised of the fact by the President, and the officer appointed was present at the meeting of the Board. As the mover declined to withdraw the resolution, it was necessary for the official members to oppose it.

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**SITE FOR STATIONING OF A BATTALION OF BRITISH TROOPS AT DACCA.**

\*1020. (a) Yes.

(b) Deputations from the Bar Association and the Hindu Sabha suggested alternative sites to the District Magistrate, who however found them to be unsuitable. A wire fence and a screen have been put up so that the camp will in no way interfere with the resort of men or women to the temple; and the local civil authorities are satisfied that the site selected, is the only suitable site available.

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**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (a) the information promised in reply to unstarred question No. 65 asked by Mr. N. M. Joshi on the 27th September, 1932;
- (ii) the information promised in reply to parts (ix) and (x) of starred question No. 789, asked by Khan Bahadur Haji Wajihuddin on the 26th September, 1932;
- (iii) the information promised in reply to unstarred question No. 124 asked by Sir Zulfiqar Ali Khan on the 27th September, 1932;
- (iv) the information promised in reply to starred question No. 787 asked by Khan Bahadur Haji Wajihuddin on the 26th September, 1932;
- (v) the information promised in reply to starred question No. 552 asked by Mr. Muhammad Anwar-ul-Azim on the 21st September, 1932;
- (vi) the information promised in reply to starred question No. 304 asked by Mr. Goswami M. R. Puri on the 16th September, 1932; and
- (vii) the information promised in reply to unstarred question No. 73 asked by Mr. N. M. Joshi on the 27th September, 1932.

## COMMERCIAL DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

65. (a) Yes.

(b) Qualified officers of the Commercial Department are transferable to the Transportation Department and *vice versa*, but generally such transfers are avoided. Subordinate staff are not ordinarily transferred from one department to another.

(c) and (d). The question has been investigated by an officer on special duty whose report is under the Railway Board's consideration. If it is decided to make any change in the existing organisation, the legitimate interests of the officers affected will receive proper consideration.

## AMOUNT RECOVERED FROM PASSENGERS BY TRAVELLING TICKET EXAMINERS.

\*789. (a), (ix) and (x). Information in regard to the number of cases dealt with by the travelling ticket examiners on journals and the amount recovered by the staff and of the number of cases made over for prosecution is not available for periods anterior to December, 1931. The following figures relate to the period from December, 1931, to May, 1932 :

Cash realised.			Made over for prosecution.			Total.	
No. of cases.	Amount.		No. of cases.	Amount.		No. of cases.	Amount.
	Rs. a. p.			Rs. a. p.			Rs. a. p.
154,424	2,03,710	1 3	20,841	42,784	0 3	175,265	2,46,494 1 6

Information is not now available in regard to the amount recovered through the Court or the amount written off.

## RETENTION OF THE POST OF OFFICE SUPERINTENDENT OF CONSTRUCTION, NORTH WESTERN RAILWAY.

124. (a) The clerical strength of the several Branches of the Headquarters Office varies from 51 to 219 clerks. In Divisional offices the total numbers vary also from 83 to 261.

(b) A year ago 60 men were employed in this Branch.

(c) Yes.

(d) Yes.

(e) There are 21 clerks employed at present.

(f) and (g). The Agent reports that the post of Office Superintendent, Construction has been converted to Superintendent, Construction, Works Branch. The question of the abolition of the post or of reduction of its scale of pay in order that the pay may correspond to the duties now attached to it is being taken up by the Railway Board with the Agent.

## PAY OF TELEGRAPH INSPECTORS OF THE AMALGAMATED EAST INDIAN AND OUDH AND ROHILKHAND RAILWAYS.

\*787. (a) The scale of pay of Telegraph Inspectors under the East Indian Railway Company was Rs. 250—10—350 and on the late O. and R. Railway Rs. 210—10—300. The scale of pay after amalgamation is Rs. 210—10—300 per mensem.

(b) It is not a fact that after amalgamation the pay of the East Indian Railway Inspector was raised. The jurisdiction of the Inspector was curtailed due to the Jubbulpore and Delhi-Umballa-Kalka sections being taken away from the East Indian Railway.

(c) The total number of Telegraph Inspectors on the East Indian Railway now is three. The jurisdiction of each extends over two divisions. The length of a division varies between 852 to 1,013 miles.

(d) The telegraph check office is in direct charge of a Telegraph Superintendent who works under the administrative control of the Chief Operating Superintendent on the North Western and East Indian Railways, the Chief Transportation Superintendent on the Great Indian Peninsula Railway and the Traffic Manager on the Eastern Bengal and Burma Railways.

#### RETRENCHMENT IN THE ASSAM BENGAL RAILWAY.

\*552. Since 1930, the Assam Bengal Railway have retrenched 27 clerks and 241 menials of whom 7 clerks and 90 menials were Moslems. 25 clerks and 146 menials have been reappointed of whom 6 clerks and 53 menials are Moslems.

#### CREW STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

\*304. (i) The total number of Crew Staff on the Great Indian Peninsula Railway is as shown below :

Senior Scale Officer	..	..	..	..	1
Subordinate Staff	..	..	..	..	238
Menials	..	..	..	..	32
					<hr/>
				Total	.. 271
					<hr/>

(ii) The total expenditure towards the maintenance of the above staff during the year 1931-32 was Rs. 1,88,167.

(iii) The total income of the Great Indian Peninsula Railway in 1931-32 was 11.68 crores.

#### MONTHLY COST OF THE TICKET CHECKING STAFF, ETC., ON THE GREAT INDIAN PENINSULA RAILWAY.

73. (a) The total monthly cost including pay and allowances of the staff referred to is Rs. 36,053.

(b) The cost in 1931-32 was Rs. 1,88,167 per annum. The mileage is 428.

(c) The administration reports that the approximate financial gain to the railway from the introduction of the Crew System to April, 1932, was Rs. 5,55,162. This does not include any additional earnings from through traffic and foreign traffic, that is to say from a station short of the crew area to a station beyond the crew area and *vice versa* in through traffic, and from a station on the crew area to a station on a foreign railway and *vice versa* in foreign traffic, as such figures are not available.

(d) On certain sections of the Eastern Bengal Railway.

## RESOLUTION *RE* TRADE AGREEMENT SIGNED AT OTTAWA.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): On behalf of the Committee appointed by this House to report on the Trade Agreement entered into between the British and Indian Delegations at Ottawa, I would ask the permission of this House for an extension of the time laid down for the presentation of its report. I would point out that, despite every effort on the part of the Committee, it has been found impossible to complete that report by today, and, therefore, with your permission, I would move that the time for the presentation of the report be extended until Monday, the 28th instant.

The motion was adopted.

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## THE CRIMINAL LAW AMENDMENT BILL.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the Ordinance Bill and the amendments moved thereon.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): When I was speaking on the last occasion I made a few observations on the way in which some of the Ordinances promulgated by the Governor General from time to time were being misused, and I quoted a few illustrations at random in support of my contention. It is not my purpose on the present occasion to dilate any further on the point. I will, with your permission, offer just a few comments on some of the provisions of the Bill which we are now considering.

I was referring on the last occasion to the provisions embodied in clause 4 of the Bill. It relates to what has been termed as the boycott of public servants. I endeavoured to point out that the clause, as drafted, was very comprehensive and was liable to abuse in many ways. I should like to skip over some of the intervening provisions of the Bill, and to make just a passing reference to clause 7. Clause 7 runs as follows:

“Whoever with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof . . .”

That is sub-clause (1) of clause 7. Now, I quite agree that there must be a provision to deal with intimidation or forcible interference with the right of any individual to pursue a rightful course, but I fail to understand why a mere loitering at or near a place where a person carries on business should be deemed to be objectionable. This was the clause which we wanted to delete in the Select Committee, and over which a storm of controversy was raised, which led to our walk out. I am not referring to that episode now, but I will only point out that, situated as we are, when we have no power to determine our fiscal policy, it should be quite open to us to persuade persons by peaceful means in the propagation of Swadeshi or the advocacy of temperance. Now, this clause, as it stands, is a standing

menace to the liberty of persons who are interested in the promotion of indigenous industries or in the cause of temperance. I will just recall I am not going to refer in detail, but I will make a passing reference, how laws had been promulgated, orders were passed from time to time by the East India Company and their successors throttling the nascent industries of this country. I am reading from a letter from the Court of Directors to Lord Clive, dated May, 1756. It is stated as follows:

"We think the vast fortunes acquired in the inland trade have been obtained by a scene of most tyrannic and oppressive conduct that ever was known in any age or country."

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Is it the Honourable Member's contention that, if the Bill is passed, such things will happen now?

**Mr. Gaya Prasad Singh:** My contention is this, that it does not lie in the mouth of a Government whose predecessors enacted laws of such nature to come and object to peaceful persuasion by Indians who are honestly trying to improve the industries of their country. If the Government of India give us the power to regulate our own tariff duties and our own tariff laws, there will be no need for peaceful persuasion, if the Assembly has got the power to enact a law imposing prohibitive duties on the import of Lancashire goods. But we have seen that what is termed the Ottawa agreement puts obstacles in our way of whatever little freedom we had or whatever little opportunity we had for improving the nascent industries of this country. In imposing their trade on this country, they had to resort to methods which I can only describe as tyrannical, oppressive and disgraceful. In that view of the matter, I feel that I am justified, if you do not rule me out of order, in making a passing reference to the methods which they themselves and their successors have imposed upon this country in order to improve the industry and commerce of England with this country. That is my contention. I will only refer to a short paragraph from a book which is called "Consideration on Indian Affairs" by Bolts, and I will close this part of my observation:

".....inconceivable oppressions and hardships have been practised towards the poor manufacturers and workmen of the country who are, in fact, monopolised by the Company as so many slaves . . . Various and innumerable are the methods of oppressing the poor weavers . . . such as by fines, imprisonments, floggings, forcing bonds from them, etc., by which the number of weavers in the country has been gradually decreased . . . every kind of oppression to manufacturers of all denominations throughout the whole country has daily increased in so much so that weavers for daring to sell their goods, and dalals and paikars for having contributed to, and connived at, such sales have, by Company's agents, been frequently seized and imprisoned . . ."

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member is going on reading about something which happened 150 years ago. It is difficult to see what relevance it has to the present Bill. If it is the contention of the Honourable Member that if this Bill is passed, it will bring about all those evils he is reading about, then he would be relevant.

**Mr. Gaya Prasad Singh:** What I was submitting is this. Under clause 7, peaceful picketing, I would myself use the expression peaceful persuasion, is going to be penalised, and my contention is that the Government of

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India or their forefathers, the East India Company, went out of their way in imposing tyrannical laws with the express purpose of throttling the industry of this country and forcing down the commerce of their country upon the inhabitants of India. But I shall bow to your ruling and I will not make any reference to the past history of India which is disgraceful to the East India Company and their successors. I would draw a veil over that part of the history, because it is unsavoury reading.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member does not seem to have understood the point that the Chair has made. If his contention is that penalizing peaceful picketing will be prejudicial to Indian industries and that the development of Indian industries will be adversely affected thereby he can relevantly argue that point, but it is not in order to read about things which happened in the time of the East India Company. His Majesty has taken over the administration of India. There were no legislatures in those days. Central and Provincial Legislatures have been constituted and Government have come before the Assembly for the passage of this Bill. Every Honourable Member is entitled to criticise the measure and vote against it. The Chair wishes to point out that he can relevantly argue that this penalizing peaceful picketing is prejudicial to the economic, industrial and other interests of India and therefore he wishes to oppose the Bill.

**Mr. Gaya Prasad Singh:** I was merely trying to give a historical retrospect of the way in which the commerce of a foreign nation has been imposed upon this country and, it was with that view, that I started with that remark.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The House is discussing this Bill, not the history of British rule in India. Will you please go on?

**Mr. Gaya Prasad Singh:** My submission is this, that peaceful persuasion or peaceful picketing is a method recognised throughout the whole world and it should not be made penal and it was with that view that I was quoting from the past history of India.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Surely the Honourable Member need not go on repeating it. He can clearly see that there is no connection between what happened 150 years ago and present day conditions. The Honourable Member is perfectly entitled to speak, as strongly as he likes, on the question of peaceful picketing. It is no use arguing the matter further. Will you please deal with this aspect of the question now.

**Mr. Gaya Prasad Singh:** Now, Sir, I was submitting that peaceful persuasion has been recognised as a legitimate means for improving the industry of a country and I strongly object to the clause which prevents peaceful picketing. The sentence beginning with "whoever loiters or does any similar act", and so on. Now, the explanation which is attached to the clause is merely an attempt to throw dust in the eyes of the Members

of this Legislature and of the public outside. What the explanation says is that encouragement of indigenous industries or advocacy of temperance, without the commission of any of the acts prohibited by this section, is not an offence under this section. Nobody contended that anything which does not come within the clause of any penal provision can be construed into an offence, and, therefore, it was absolutely superfluous on the part of the framers of this clause to have embodied this explanation which is at once meaningless, absurd and does not advance the cause. I now come to clause 11 which gives the authorities the power of declaring an association to be an unlawful association. With regard to that, the last time I was speaking I gave a few instances to show that this arbitrary power, which was given under the provisions of the Ordinance to the authorities, has been grossly abused, and, therefore, there is no justification for coming forward to ask for the conferment of similar powers in this Bill, and I quoted the names of certain associations in Bombay, where apparently legitimate bodies or associations have been declared to be unlawful. I will now come to clause 16 which seeks to impose restrictions upon the Press. I will in this connection refer to the way in which the Press Ordinance has been misused in the past. I will not multiply instances, but I will refer to only one which happened in Madras. A notification was issued in February last which says:

"The attention of the Government has been drawn on several instances to the publication in newspapers of the portraits of well-known leaders connected with the civil disobedience movement. The publication of such pictures tends to encourage the movement and is likely, therefore, to fall under clause (f) of sub-section (j) of section 4 of the Indian Press Emergency Powers Act of 1931 as amended by the Emergency Powers Ordinance of 1932. The Government wish it to be clearly understood that in future they will be constrained to consider the necessity of demanding security under that Act in respect of the printing and publication of such photographs."

In a word, it means that the reproduction in a newspaper of the portraits of such eminent personages, national heroes if I may call them, like Mahatma Gandhi, Pandit Motilal Nehru, Pandit Madan Mohan Malaviya and others will be deemed an infringement of the provisions of this section and the newspaper will be penalised in consequence. I contend that the power sought to be taken under sub-section (f) of this clause and other sub-sections is unwarranted and it has been abused in the past and there is no justification for this House to confer a similar power upon the local executive authorities.

Sir, this Bill, even as it has emerged out of the Select Committee, is open to so many abuses that I am not prepared to give my support to it. On the last day, Sir, I referred to that aspect of the question which seeks to put down the civil disobedience movement. I have heard numerous speeches in this House on the virtues of co-operation. I am one of those who myself believe in the virtue of co-operation, but the co-operation must be on honourable and equal terms. There cannot be a co-operation between a slave and a free man. It must not be like the co-operation between what may be called the football and the booted leg. The more the football comes at the feet, the more vigorously it is kicked off. Look at the condition of those gentlemen who are called Moderates and Liberals. What has been the reply given by the Government to the demands put forward by them? Let me for a moment put aside the case of the Indian National Congress. Have Government honestly tried to give effect to the suggestions made from time to time by what is known as the moderate school of politics.



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with its creed of co-operation? These people have been utilised by Government to suit their own purpose and thrown away after their purpose has been served, like a squeezed lemon.

Sir, I am opposed to the very inception of this Bill. The provisions of this Bill have been subjected to very scathing criticism from distinguished Members on this side of the House like my Honourable friend, Sir Abdur Rahim and many others, and it is not, therefore, necessary to enter into greater details with regard to the Bill. Sir, with these few words I oppose the motion made by my Honourable friend, the Home Member. (Cheers.)

**Mr. Arthur Moore** (Bengal: European): Sir, I do not wish to say very much about this Bill, because my friend, Sir Leslie Hudson, has made it clear that we have no hesitation in supporting it. We have no hesitation, but, at the same time, we have in general no enthusiasm for measures of this kind. I regard this Bill as the inevitable consequence of civil disobedience. My friend, Sir Abdur Rahim, and some other speakers have based their objections largely on the argument that its provisions were liable to abuse. Sir, I freely grant that any measure of this kind, which confers such wide powers on the executive, could be abused. But I doubt if there is a single soul in this Assembly who really in his heart of hearts believes that what is called the ordinary law is capable of dealing with a revolutionary movement such as the civil disobedience movement was and is; and I have no doubt at all that in any country in the world—in Great Britain or Ireland or France or Germany or Italy or the United States,—any movement attempting to paralyse the Administration would be met, as in fact it has always had to be met, by resort to measures of this kind. A Government has no choice: either it has got to abandon its duty of defending itself and the State and the people, and to permit a revolution and a descent, when you are facing a movement of this kind, into chaos, or it has got to resort to measures of this character.

The only argument of substance I have seen brought against this Bill is that, in the form of an Ordinance, it has already been so successful that there is no longer any need for it. That is the argument used by the dissentient members of the Select Committee, who quote with approval His Excellency's statement in September that the mass of the people is no longer concerned with civil disobedience. My friend, Diwan Bahadur Rangachariar, took the same line. He admitted that there was some justification for the provisions of this Bill, but he went on to congratulate the Government on the success of their measures so far and he pleaded that the state of the country was now not so grave, and, like Mr. B. Das in a recent speech, he urged that there was a general spirit of co-operation now abroad. He pointed to the recent utterances of Mr. Rajagopalachariar, the President of the Congress. Now, Mr. President, it seems to me that this argument used by the dissentient members of the Select Committee and by my friend, the Diwan Bahadur, is a complete justification of the Government's action. I too believe, there is a better atmosphere, but would we be justified now, when things are improving, in taking the risk of plunging back into the abyss from which we are escaping? Let us remember that we have not been asked to pass this legislation for all time. Some Members suggested that the Council of State would be a difficulty. We must remember that what we are asked to do is to pass this measure for the transitional period, and that it will automatically lapse at the end

of three years, unless the Government of the day, which will be, we hope and believe, a Government after the next reforms have been inaugurated, take the initiative of asking for a prolongation of the measure. That is a situation which we hope will not arise, and, it is only in order to secure an increasing measure of that tranquillity which we see returning, that we are asked to pass this Bill. Sir, the Diwan Bahadur let fall one pessimistic sentence. He said that the spirit of the country was being killed. Well, I have often heard exactly the opposite argument used on those benches. For my own part I do not for a moment believe that the true national spirit of the country is being killed. On the contrary, I believe that now that the tyranny of the Congress is no longer exerted, a constructive spirit of nationalism is being displayed, and I note with the greatest pleasure that a more constructive spirit of nationalism is being displayed by some of the Congress leaders themselves.

**Sir Abdulla-al-Mámūn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, the long and numerous speeches in opposition to the motion moved by the Honourable the Home Member have afforded me some justification for intervening in the debate at this stage. By the froth and foam and sound and fury of their speeches, some of the Honourable Members have attempted to cloud the real issue before the House which appears to have receded into the background.

There are three issues before the House: the original motion of the Honourable the Home Member and the two amendments to that motion. Listening to the speeches one would imagine that the House was at the stage of the third reading of the Bill, and that the question before the House was that the Bill, as amended, be passed. One is apt to forget that the simple question before the House is that the report of the Select Committee be taken into consideration.

Now, as regards the amendments, there is one amendment to the effect that the Bill be sent back to the Select Committee. I should have welcomed the amendment, were I to take it as an indication of the dawn of wisdom and of the realisation of the folly of the walk-out. But there is no indication of regret or of penitence from those gentlemen who have been actually responsible for the walk-out and I do not know what useful purpose would be served by the recommittal of the Bill to the same Select Committee. The amendment may be a gesture on the part of the Mover of the amendment of confidence in the Chairman of that Committee and in the character and composition of its members.

**Mr. Goswami M. R. Puri** (Central Provinces: Landholders): I rise on a point of explanation, Sir. When I moved my amendment, it was not my contention in the least to indicate any expressions of no confidence in the Chairman of that Select Committee. That was not my view while I moved my amendment. My view in moving the amendment was to find out a *via media* and to come to a compromise and nothing else.

**Sir Abdulla-al-Mámūn Suhrawardy**: Sir, I am glad of the explanation given by my Honourable friend. I never suggested that that was not his intention. He has full confidence in the Chairman of the Select Committee; so have I. He has full confidence in the character and composition of the Committee; so have I. He only wanted the Bill to be sent back to the self-same Select Committee and he had indicated in his speech, if I remember rightly, that his object was that some opportunity might

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be afforded to the members who had walked out to adjust their differences with the Chairman or with other members of the Committee. But, as I said, there is no expression of regret or penitence or any sign of reconciliation or of an extension of the olive branch on the part of the gentlemen who walked out. Therefore, the simple result of the recommittal of this Bill to the Committee would probably be to afford those gentlemen another opportunity for a walk-out and we are not prepared to waste the time of the House and put a premium on walks-in and walks-out.

Then, there is the other amendment of my Honourable friend, Mr. Sadiq Hasan. It required the courage—I had almost said the hardihood—of Mr. Sadiq Hasan to bring in an amendment for the circulation of the Bill for eliciting public opinion thereon after “the overwhelming defeat”—I am quoting almost his words—inflicted on him when his motion for circulation was rejected in the Simla Session. Now, his object is, he says, to elicit public opinion. I had listened carefully to the depressing speech of Diwan Bahadur Rangachariar and I had taken the trouble of taking down almost his very words. He said in his speech that there was intense political depression almost unprecedented in the country. People were afraid to give expression to their frank views. If that is the condition of the country, whatever be the causes, what useful purpose will be served by asking to circulate the Bill for eliciting public opinion thereon? I would also like to read to the House the opinion of a well-known gentleman, “the Indian Contributor” to the *Statesman*, who, while criticising the wisdom of the Government of Bengal, in imposing a collective fine of Rs. 80,000 on the Hindu inhabitants of Chittagong, remarked:

“As Indians, many of us are in a position to assure the Government that people in general have nothing but abhorrence for the terrorist crimes, and they would do anything to help the Government to end terrorism if they could do so without endangering the lives of themselves and their dear ones.

The history of the terrorist movement for the last twenty-five years shows that desperate young men, who are out to kill people, have no regard for the life of any one. Past experience shows that they do not hesitate to kill any one who either stands in their way or tries in the slightest degree to baffle their intentions. They have killed scores of their countrymen, official and non-official . . .”

**Mr. Gaya Prasad Singh:** I rise to a point of order, Sir. What has this Bill got to do with the terrorist crime?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): This Bill is intended not only to deal with the civil disobedience movement, but has reference to terrorism also.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): Sir, if I remember aright, the Honourable the Home Member distinctly stated in the Simla Session that this Bill had nothing to do with the terrorist movement and that it was aimed entirely and solely against the civil disobedience movement.

**The Honourable Mr. H. G. Haig** (Home Member): May I explain the position, Sir. I said in the Simla Session that the Bill was aimed at the civil disobedience movement. I also did say that certain provisions relating to the control of the Press would have a most important effect in curbing the terrorist movement.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): My impression is Honourable Mover said in Simla that he was dealing with three things—communist tendencies, terrorism and civil disobedience movement.

**The Honourable Mr. H. G. Haig**: I was giving a description of the country and the dangers that we have to contend with. The main intention of the Bill is to deal with the civil disobedience movement, but it will also have an effect in restraining communism and terrorism.

**Sir Abdulla-al-Mámūn Suhrawardy**: May I, Sir, with your permission, refresh the memory of my Honourable friend as well as of the Honourable the Home Member? So far as I remember, and you have also remarked to that effect, the Honourable the Home Member had said that the Bill, though mainly designed to combat the civil disobedience movement, also aimed at the triple menace or the triple threat of communism, terrorism and the civil disobedience movement. He went further and also said that though, on the surface of it, the civil disobedience movement might not have anything to do with terrorism and communism, yet behind the scenes there were points of contact. Fortunately I have got a copy of his speech before me and I will do well to give the exact words of his speech:

"We have in India a triple threat to peaceful progress—civil disobedience, communism and terrorism; and though the main provisions of this Bill are directed against the first of these, I hope the House will not forget,"

—as they seem to have forgotten now,—

"that the provisions relating to the Press will exercise a strong controlling influence over the movements of communism and terrorism. Discontented elements will always tend to coalesce. Though, on the surface, these three are very different movements behind the scenes there are certain contacts."

**The Honourable Mr. H. G. Haig**: I submit that exactly bears out what I said just now.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): That was my impression also.

**Sir Abdulla-al-Mámūn Suhrawardy**: The relevancy of this quotation, which I was making from this newspaper, lies in the fact that it will clearly show to the House that people are apt to give expression to views publicly which widely differ from their views expressed privately. People may express themselves privately against terrorism and against civil disobedience, but when "public opinion" is sought, they give expression to a wholly different opinion. When expression of "public opinion" is sought by means of a dilatory motion in the House or otherwise, then people are afraid of expressing their opinion publicly. With your permission, I will proceed with the quotation:

"It is a fact that they have absolutely no hesitation to take their own lives whenever they consider it necessary. It should, therefore, be agreed that they are a class of most desperate and determined men who have become accustomed to look upon human lives as mere toys. No wonder that they have succeeded in creating a sense of terror all over the country. It is this sense of terror, and not sympathy, as is supposed, which is responsible for preventing people coming forward openly to help the authorities in their efforts to end terrorism and so far there is nothing to enable the people in general to overcome this sense of terror."

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The writer concludes with the significant words:

"Call the people cowards, if you will, but it is a grave injustice to brand them as sympathisers of terrorists."

People, according to my Honourable friend, Diwan Bahadur Rangachariar, are afraid of giving expression to their frank views and people are afraid of giving expression to their views, according to the Indian Contributor of the *Statesman* (November 13, 1932). What useful purpose then will be served by asking the Bill to be circulated for eliciting public opinion thereon. Now, Sir, I need not labour that point, because I have listened to the fiery speech of my Honourable friend, Mr. Ranga Iyer, wherein he exhorted this House "to bury this Bill on the floor of the House". I have also listened to the gentle and persuasive speech of the Diwan Bahadur in which he, in his own gentle way, has asked us to reject the Bill. So, I do not think there will be any support for the dilatory motion of those two gentlemen who have tabled the amendments.

There is a third motion, the original motion before the House, for taking the report of the Select Committee into consideration. Now, what was the justification of those Honourable Members, who had opposed at Simla the motion for referring the Bill to a Select Committee, for serving on the Select Committee? As I had remarked once before, the gentlemen on the Opposition Benches, though appearing never to consent, had consented to serve on the Select Committee and amongst them was my Honourable friend, Mr. Gaya Prasad Singh, who could never be accused of being, to quote his favourite phrase, "a henchman of Government". Perhaps he might be the henchman of the Congress or something else, but never the henchman of Government. We also had the honoured name of my esteemed friend, Mr. S. C. Mitra. We know how much he has suffered for his conviction and his belief. Who could accuse him of any ulterior motive or any ignoble motive in consenting to serve on the Select Committee? I need not enumerate the names of other distinguished gentlemen belonging to the Opposition who had consented to serve on the Select Committee. So far as I can understand, their object in serving on the Committee was to get an opportunity of softening the rigours of the various provisions of the Bill. If that was their justification, and, as a matter of fact, no reasonable Member of the House will deny that the provisions of the Bill have, as they have emerged from the Select Committee, been considerably modified. . . .

**Mr. D. K. Lahiri Chaudhury** (Bengal: Landholders): Then, why did they walk out of the Select Committee?

**Sir Abdulla-al-Mámūn Suhrawardy**: My Honourable friend, Mr. Mitra, has not spoken yet and if he cares to do so, he will speak out his reasons. But I have before me his Minute of Dissent in which he has said why he walked out.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Because he was in bad company.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): He was your pupil.

**Sir Abdulla-al-Mámūn Suhrawardy:** But he is now the master of the leader of Mr. Dutt and many other leaders of the Opposition. I have had the honour of being his master and I need not at all be ashamed of having had the honour of being the teacher or master of a man like Mr. S. C. Mitra.

**Mr. B. R. Puri** (West Punjab: Non-Muhammadian): Then, you seem to have taught him something quite different.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadian Rural): What did you teach him?

**Sir Abdulla-al-Mámūn Suhrawardy:** I taught him the value of conciliation and co-operation and respect for law and order and also "Rule of Law" and Dicey on the Laws and Customs of the Constitution which Honourable Members on the Opposition Benches are so fond of flaunting before the House.

**Mr. Amar Nath Dutt:** Were you not a Swarajist when you were a Member of the Bengal Legislative Council?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): These frequent interruptions by those Honourable Members who hold views different from the Honourable Member who is addressing the House must be deprecated. The Honourable Member should be allowed to proceed with his remarks in his own way.

**Sir Abdulla-al-Mámūn Suhrawardy:** I was a Member of the Bengal Legislative Council in 1910 and it is a well-known fact that since then I had been a Member of that Council long before the birth of the Swaraj Party, and, later, I joined the Swaraj Party when the late lamented Mr. C. R. Das was its leader and it was the tyranny of the Congress, its interference with one's liberty of action in private affairs and personal matters that led me to sever my connection with it. It was not through any ulterior or ignoble motives that I joined or left the Swaraj Party. My Honourable friend, Mr. Mitra, will bear me out and tell you what immense sacrifices I made when I joined the Swaraj Party. It was on account of petty tyrannies—I do not wish to enter into details, because the names of gentlemen, whom all of you are now applauding and holding up as the greatest embodiment of non-violence, will have to be dragged in—it was because of the aggressive violence of gentlemen who preach non-violence which made me decide to have nothing to do with saints. (Applause.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Will the Honourable Member proceed with his observations on the Bill?

**Sir Abdulla-al-Mámūn Suhrawardy:** My reply has also some relevancy to the tyranny of the Congress and the pseudo-sympathisers of the Congress.

I was saying, Sir, that the reason why my Honourable friend, Mr. Mitra, agreed to serve on the Select Committee was apparently that he thought that it offered him an opportunity to soften the rigours and harshness of the various provisions of the Bill. The opportunity which he sought for himself, would he deny that opportunity to the Members of the

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House? Why should he now at this stage—he and his friends—ask us to reject the Bill? The simple motion before the House is that the report of the Select Committee be taken into consideration. I am reading from their Minute of Dissent, wherein they themselves say: "rather than try and convince an unwilling majority, we will prefer to urge our views before the Assembly". In another place they say;

"As we propose to move our amendments to the Bill in detail on the floor of the House, we do not feel inclined to discuss the clauses."

So they themselves have been looking forward to the opportunity of coming to the House where probably they are not so evenly balanced as they were in the Select Committee. They complained also of the composition of the Select Committee and they say that the two parties in the Select Committee were "evenly balanced, seven against seven". Were I to criticise the composition of the Select Committee, I would say that out of the seven, against the seven of the Opposition, the Honourable the Home Member being in charge of the Bill had to be there, the Law Member had to be there as, without him, you could not discuss an important measure like this; the European Group had one representative; the United India Party had one representative. Leaving them out, who were the representatives of the large number of unattached Members? Even the Mussalmans from Bengal, from Chittagong, Midnapore and other districts of Bengal, had no opportunity of being on the Select Committee. But I am not going to criticise the composition of the Select Committee. If they were evenly balanced in the Select Committee, here they have on the floor of the House an opportunity to put forward their amendments which they themselves were looking forward to doing. Why then say, reject the motion for taking the report of the Select Committee into consideration? Sir, I think I have said enough in support of the motion of the Honourable the Home Member. I will now take up one or two points and make a few general observations, because a good deal has been said about the various clauses of the Bill by various gentlemen. First of all, I find in the Note of Dissent written by these five members that they begin by saying:

"The chief aim of the Government, as it seems from the Objects and Reasons of the Bill, is to crush the Civil Disobedience movement in all its forms in the country. We do not see eye to eye with the Government";

—and then they proceed to quote from His Excellency's speech dated 5th September, 1932—

"The no-rent campaign in the United Provinces has died away, and the Red Shirt movement in the North-West Frontier Province was rapidly brought under control; over the greater part of India the mass of population is no longer concerned with Civil Disobedience movement."

They quote this with approval and they go on to say that the civil disobedience movement is on the wane in spite of the statement made by a certain Member, "completely clad in foreign clothes," that it was at its zenith. But never mind what he had said. These gentlemen say that the civil disobedience movement is on the wane, the civil disobedience movement is declining; why then have this piece of legislation? I should like to inquire how has the civil disobedience movement been controlled and why is it on the decline? Has the great Mahatma lost faith in what he considers to be an article of faith, or is it due to the powers which the

executive obtained by means of Ordinances to control the movement? This piece of legislation is described as a gross piece of legislative impertinence by those very gentlemen who themselves had invited the Honourable the Home Member to introduce this piece of legislation. Unless their invitation was a gross piece of hypocrisy, I do not know how this has become a gross piece of legislative impertinence. Anyway, if the movement is controlled by the provisions of the Ordinances, then there is justification for this piece of legislation being brought into the House for consideration.

Now, there is a good deal of discussion about peaceful persuasion dealt with in clause 7. And, in the Note of Dissent, our friends say that they want an explanation to the clause worded as follows:

"Peaceful persuasion or inducement which does not or is not calculated to involve any obstruction, violence, intimidation, annoyance or alarm to any person does not come within the purview of this section."

What peaceful persuasion is and what peaceful picketing is, no one has attempted to explain. My friend, Mr. Gaya Prasad Singh, carried away by the exuberance of his enthusiasm for peaceful picketing, or otherwise, gave instance after instance of the abuse of the provisions of the Ordinances. But, may I be permitted to give a few instances of the abuse or the right use of peaceful picketing? He has also exclaimed, in moments of enthusiasm, have we not the right to close our shops? I will also ask, has not my friend, Pandit Sen, the right to close his temples? I also remind the House. . . . .

**Mr. B. R. Puri:** A shop is private property, while a temple is not.

**Sir Abdulla-al-Mámūn Suhrawardy:** Temples are also private properties. My friend, Pandit Sen, was not long ago in a state of great excitement and asked for Government protection against forcible temple entry and expressed his resentment against satyagraha. What is satyagraha? Ardour for the truth. Satyagraha has been performed by those gentlemen who profess to be peaceful picketers; and, yet, against satyagraha my friend, Pandit Sen, protested not long ago.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadan Rural): Because it is against the established usages of the country.

**Sir Abdulla-al-Mámūn Suhrawardy:** Of course there are forms of peaceful picketing which perhaps I myself might welcome. There was an occasion not very long ago when I was the recipient of gentle attention from a number of peaceful picketers. One fine morning I found my bedroom besieged by a bevy of fair picketers in Simla whose simple request was, first of all, to ask for permission to enter my room, and their second request was that I should not go to the Assembly. I was willing, and, with the greatest pleasure, I acceded to their request, because as an indolent and lazy Member of this House who never cared to attend a meeting of the Assembly, any pretext would have done for me; and also because I would have liked to prolong that mild form of peaceful persuasion or political flirtation. But I never realised the grave danger which I was running, because, later on, I discovered that it was a grave danger to domestic



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peace and concord and I had to write long letters to explain how it was that my bedroom was besieged and how I was threatened by a number of fair ladies. That kind of peaceful persuasion I do not certainly object to, but even that is fraught with grave dangers. But I will give two instances for the benefit of those gentlemen who only seek peace and harmony in picketing and who are so obsessed with the Congress and the newly-developed sense of patriotism that they do not see Chittagong, Calcutta, Benares, Cawnpore or even Midnapore where one of the Leaders of the Opposition saw the light of day, but which, from his bad eminence as Leader of the Independent Party, he disdains to see. Take the case

1 P.M. of Benares. Some Congress volunteers go to a poor Muslim shopkeeper, who lives on his day's earnings by honest trade and tell him to close his shop in obedience to a Congress fiat. The poor man cannot afford it. He pleads in vain. The picketers were no violent when they made the first request. It may be conceded that the implored with folded hands and on bended knees. Directly the poor man pleads his unwillingness, on the ground that he must earn to feed his wife and children; the Congress volunteers leave him. The next thing which happens is that the poor shopkeeper engaged in his business is visited by some strangers and stabbed to death. A riot follows and several lives are lost. This is an instance of "peaceful picketing" by Congress. Take another case. What happened in Calcutta? The Congress declared hartal. Some picketers boarded a running train car and asked the driver not to drive. The driver said, he had to carry out his orders. What was the result? The "peaceful picketers" set fire to the train car and there was a riot in which there was much bloodshed and many innocent persons were the victims. Picketing, which has such potentialities, ought to be stopped in the interest of the State. Now, there are gentlemen who, with tears in their eyes, say that indigenous industries will be ruined. That is stated in the Minute of Dissent also. "Peaceful propaganda to promote Swadeshi movements is an offence." Who has ever prevented that revered and respected leader of the Swadeshi movement, Sir P. C. Ray? Nobody has put a stop to his chemical activities. Nobody has ever questioned him as to whether those activities were directed to the discovery of high explosives, and nobody has prevented him from touring all over India, going through the length and breadth of the land preaching Swadeshi—not even the Government of Bengal. So there are instances of real peaceful preaching of Swadeshi unmolested and instances of "peaceful picketing," which, in the dictionary of the Congress, may mean something, but in ordinary parlance means molestation and is a euphemism for violence. Let there be no confusion of ideas; let us not confound patriotism with peaceful picketing and interference with the liberty of individuals—with licence to destroy the very foundations of liberty. I find in the same Minute of Dissent that there should be no law depriving the Press of its liberty or punishing the parents for the sins of their children. As regards the Press, it should be borne in mind that experience has taught us that the protracted method of prosecution for, say, sedition is not effective to control the illegal activities of the Congress. What happens when a prosecution is launched? After a long trial which, under the ordinary procedure, can be indefinitely protracted, and after appeal and revision, the offender is sent to jail. Who is he? Not the real offender, but the "jail editor". Who does not know that most of the

Congress papers have "jail editors" who are dummies and men of straw who are compensated and whose families are maintained, during imprisonment, with Congress funds? The only effective way to deal with the irresponsible press is to go for the press and not for a fictitious person who poses as a patriot or a hero afterwards.

A good deal has been said about punishing parents for the sins of their children. This is also an instance of confusion of ideas. It is not the case of punishing parents for the sins of their children. It may be punishing parents for the sins of being parents of children whose care and proper education they neglect; and this is not a doctrine unknown to law. Such Honourable Members, as have studied and understood the basic principles of the relation of master and servant, of guardian and ward, of parent and child, to them it will not be a matter of surprise if parents are held responsible, under certain conditions, for the sins of their children. We all know and, I am sure, the gentlemen who have signed the Note of Dissent very well know how a master is held responsible for the tort of his servants. This is not a doctrine of vicarious punishment..... (Interruption.) I do not say it is a case of tort: I say it is an illustration of what you may call, if you like, the doctrine of "vicarious punishment" . . . . .

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): An appropriate illustration, I believe.

**Sir Abdulla-al-Mámún Suhrawardy**: I will give a more appropriate illustration for your benefit. A more appropriate illustration is the absurd piece of legislation under which you punish a father for the marriage of his son and the Act you have passed with the help of those very gentlemen to whom you always fling a shot or two whenever the occasion arises—the officials and the Europeans. Were I to introduce a Bill for the repeal of that absurd piece of legislation which makes a criminal offence of a lawful act, which is lawful even under the civil law, and empowers you to send the parent or the guardian to jail and subject him to fine. (Interruption.) I am using the impersonal "you" and the Chair is not so sensitive as the gentleman on my left. Now, if I introduce a Bill for the repeal of that Act, I should like the official Members and the Europeans and the much-abused Nominated Members to stand aside and let us see who represents the public opinion of the country—let us see whether the Act will be worth an hour's purchase without the help of these gentlemen.

**Diwan Bahadur Harbilas Sarda**: How is all this relevant?

**Sir Abdulla-al-Mámún Suhrawardy**: I mean the Sarda Act, which does not represent popular opinion—it was passed in defiance of popular opinion and it was passed with the help of Europeans and officials who do not understand the spirit of the country at all, nor opinion, public or private, and the Sarda Act is an interference with the religious liberties of Hindus and Muslims . . . . .

**Diwan Bahadur Harbilas Sarda**: When the Child Marriage Restraint Act was passed, it was passed by a majority, if I remember aright, of 67 to 14, so that even if you eliminate the entire official block, still it had a very large majority of elected Members in its favour.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I should like to draw the attention of Honourable Members to the fact that the House discussed the principle of this Bill in Simla for five days. That principle has remained unaltered and this is the third day of the present discussion. The Chair should like to appeal to Honourable Members to be as brief as possible in order that public business may be expedited.

**Sir Abdulla-al-Māmūn Suhrawardy**: I will try to be as brief as possible. I would have finished my speech long ago but for the interruptions, relevant and irrelevant, of my friends who cannot bear to hear unpalatable truths. In the concluding portion of their Minute of Dissent they say:

"The civil disobedience movement is only a means to an end. The object is to attain Self-Government. We feel that as soon as the popular demands are conceded, the movement will cease automatically."

History is repeating itself. In 1906 or thereabouts was started the Swadeshi movement, a movement whose real object was the reversal of the Partition of Bengal which had resulted in creating a province in which the Muslims were in a majority. It is significant that in that atmosphere of unrest and turmoil and agitation, was born the Bengal terrorist movement. A similar cry was heard then—"Reverse the Partition and everything will subside and there will be no terrorism in the land". Lord Hardinge's Government listened to this advice of his friends and brought about that act of greatest administrative folly, the annulment of the Partition of Bengal and the creation of this Capital of Delhi, which has resulted now in the Government being in this parlous position financially and otherwise. But you have not put a stop to terrorism. Terrorism might have gone underground; terrorism might have been dead or dormant, but terrorism is not killed. Like the civil disobedience movement of today it might have been scotched; it might have been dormant, but it is not dead. Today I hear the cry "Release the Mahatma". My friend, Mr. Ranga Iyer, roars: "Release the Mahatma". My friend, Mr. B. Das, in his gentle way, lisps: "Release the 'Mahattan'". and if you release the 'Mahattan' everything will become quiet". But unless we accept the assumption that the Mahatma himself is responsible for all the trouble, for all the turmoil and all the agitation, that all the agitators are his emissaries who, at his bidding, will lay down their arms and declare a truce or peace, I cannot understand how the mere fact of the release of the Mahatma or even the grant of Dominion Status will bring about a change. Every movement has its history, its course of birth and growth and decline and cannot vanish automatically at any one's bidding . . . . .

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): On a point of order, Sir. The Honourable gentleman said that I used the argument for the release of Mahatma. Much as I am for the release of Mahatma, I did not use the word "release the Mahatma".

**Sir Abdulla-al-Māmūn Suhrawardy**: I may have confounded the Honourable Member with some one else. The long interval of four days may be responsible for my unusual lapse of memory.

**Mr. C. S. Ranga Iyer:** You are throughout confused. (Laughter.)

**Sir Abdulla-al-Mámün Suhrawardy:** After the explanation of my Honourable friend, I apologise to him and withdraw what I have attributed to him. He may not have roared, but somebody else like him roared "Release the Mahatma". That has been the burden of the song, but certainly Mr. Das, in his gentle way, said "Release the 'Mahattan', and there will be quiet and peace in the land".

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): I say the same thing.

**Sir Abdulla-al-Mámün Suhrawardy:** My friend, Mr. Mitra, says that he will say the same thing. I know there are gentlemen who, in defiance of Congress opinion, are adorning the Opposition Benches. Their heart is breaking for the Congress and the Congress leaders, and they are shedding crocodile tears—(*An Honourable Member:* "Not crocodile tears"),—but they are sitting tight on their seats despite the Congress opinion or public opinion. Their own opinion becomes "public opinion" when it suits their convenience. Either the Congress represents public opinion or it does not. If it does not, then you have justification for being here. But if it does, I cannot understand how you are here. I think I should now, in deference to the wishes of the Chair, conclude my speech and say that I support the motion, which is a very reasonable motion, made by the Honourable the Home Member that the Report of the Select Committee be taken into consideration. This does not mean that when the Bill reaches the third stage, I will support its passage. I reserve my judgment till then.

**Mr. S. C. Mitra:** Sir, I rise . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): How long are you likely to take?

**Mr. S. C. Mitra:** I will take about half an hour.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Then you will please begin after the lunch interval,

The Assembly then adjourned for Lunch till Twenty Five Minutes Past Two of the Clock.

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The Assembly re-assembled after Lunch at Twenty Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

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**Mr. S. C. Mitra:** I am opposed to the main motion that the Select Committee's report be taken into consideration. Sir, we have been taken to task why we agreed to be members of the Select Committee. When I had an opportunity to make my views known, I made it clear to the House that I was opposed to all the principles that were involved in this Bill. If, even after this, the House, with its eyes wide open, in its

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wisdom, selected me as one of the members of the Select Committee, all I can say is that I am not to blame. As regards the principles to which it is said we are committed after reference of the Bill to Select Committee, I am in very great difficulty. I do not know even now what are the real principles underlying this hydra-headed piece of legislation. There are provisions in this Bill dealing with public servants as if they were depressed classes. There I find the principle of the bureaucracy. Then there are provisions in this Bill for annexation of immoveable property, and there one can find the principles of Imperialism. There are provisions for confiscating private property; that may be attributed to commercial principles. Then there are other provisions for suppressing the Press and bullying the public and there, we find, despotic principles. Lastly, there are provisions for punishing the father for the sins of his son there I find the Christian principle of vicarious suffering. So, if I am asked even now what are the principles to which the House stands committed, I am in great doubt. As regards the practice in the House of Commons, I would like to refer the House to a few passages in that well known book, May's Parliamentary Practice. I refer to page 412 where it is said:

"A committee can negative every clause of which the Bill committed to them is composed, and can substitute for those clauses new clauses, if relevant to the Bill, as read a second time, and otherwise in order."

So, I find that according to the Parliamentary Practice every clause of the Bill may be negatived and may be substituted. Then, there is another passage where it is said that even the Preamble itself may be altered. It is at page 485:

"The irregularity of the conversion by amendments of a Bill into a new Bill, by the committee to whom the Bill was referred, has been considered; though a Select Committee, after consultation with the Speaker, have negatived all the clauses, and the Preamble of a Bill; and made thereon a special report to the House. If the Select Committee should fail to report the Bill, the committee may be revived, and the Bill recommitted to it."

So, even according to the Parliamentary procedure, not only can a clause be negatived, but even the Preamble may be changed, and it is not irregular. Therefore, I submit, the contention that our going to the Select Committee was wrong neither in law nor in practice.

Sir, remarks have been made about the troubles in the Select Committee. If we have said anything in our report, I should like to make it perfectly clear that nothing was meant towards the Chairman personally. If it proves anything, it merely proves the obstinacy of the Government not to yield on any vital point, and we know that India's public men, when they are on the official side, have to do many things, sometimes against their own best wishes. I must here congratulate the Leader of the House on the very noble attitude that he took in not referring to anything that happened in the Select Committee, and I should like to follow his footsteps and not to enter into those petty squabbles. What we had to say we have put before the public and the House. I would like to mention that Government were not behind hand in putting forward their case in the press, for, I find, that before our report was published, there was a paragraph explaining the Government's position in the press. I would like to refer to only one passage in the minute of

dissent. In our report we made it clear that "we did not see eye to eye with Government" and then we narrated what view the Government took about the civil disobedience movement, and we quoted His Excellency's words. We merely argued on the assumption that the movement has been crushed—it does not mean necessarily that we said that that great national movement has been crushed. That disposes of what fell from my Honourable friend, Sir Abdulla Suhrawardy.

As I have said, I am not in favour of the main motion, I should also say that I am not much in favour of the amendments either. As regards recommitting the Bill to the same Select Committee, I think it will be futile. If any improvement can be made in this Bill, it can be done by this House. So I do not agree with that amendment. As regards the other amendment of my Honourable friend, Shaikh Sadiq Hasan, for circulation of the Bill, all I can say is, if it is meant as a dilatory motion, I shall vote for it, because, I am for postponing the evil day for as many days as possible. But, if he thought that by lapse of some time, better sense would dawn upon Government, I am afraid he is hopelessly mistaken. The Government is like a machinery. The ideas they have they will carry out; they will not care what changes are going on daily round about them. So I do not think we will derive any benefit by circulating this Bill.

I should like to make my position clear why I am against any such piece of legislation. I cannot accept the *bond fides* of the Government that this piece of legislation is not really meant for crushing the national spirit in this country. That is the trouble. Had I been convinced that the real purpose of the Government was only to tide over the present difficulty, I would have agreed even to a far more drastic piece of legislation—if that were possible, because, I think this is the worst piece of legislation and it cannot be made worse—I would have agreed to that, but presently I shall show why I cannot believe in the *bond fides* of this Government. My own idea is that the Government know what the future constitution is going to be for India. They know that it will not satisfy the popular ideal of self-government, not to speak of Dominion Status. They are anticipating further troubles in future and they are asking for powers to crush any national revival in future. It will be clear to all and sundry that Government do not mean to bestow on India anything like Responsible Government in near future by their attitude of enforcing such legislation. Otherwise what was the need for placing this emergency legislation permanently on the Statute-book. After a great deal of pressure, they have agreed to limit its life for three years, but their intention to have this legislation permanently on the Statute-book shows that the intention is not to tide over these difficult times alone but to fight against the spirit of nationalism in this unfortunate land. In this connection, I like to say a few words about what my teacher, Sir Abdulla Suhrawardy, said about the release of Mahatma Gandhi. Nobody said that by the release of Mahatma Gandhi everything will be settled. It was pressed from this side that a spirit of reconciliation is the only remedy to fight against this disorder and agitation in this country. The question was raised on the floor of this House as to why Mahatma Gandhi was not released and the Government's reply was that though he was permitted to deal with questions of untouchability, he could not be allowed to deal with other political matters. During question time in the House, it is difficult to make this point clear. So I like to press this view on the Government.

[Mr. S. C. Mitra.]

Untouchability is not in itself political. When the question of untouchability raises the question of temple entry, it is religious. When it deals with inter-dining and inter-marriage, it is social; but when it raises the question whether the Depressed Classes should vote in a separate electorate or joint electorate and what should be the number of seats reserved for them and similar matters, it is political. My study of the thing is that Government thought that as Mahatma Gandhi failed to effect any reconciliation between the caste Hindus and the Depressed Classes in London, he would fail on this occasion also. They did not like Mahatma Gandhi to die in a British prison. So they allowed him a chance, but when the bigger question of Hindus and Muslims came, his release was refused, because Government were disillusioned last time about the great influence Mahatmajī had in this country. So, this time, though I admit that the Hindu-Muslim question is largely political, like the case of voting of the Depressed Classes in a separate or joint electorate, but in connection with this bigger question, the release of Mahatmajī would have been of great help to our people and yet his release was refused. That is an illustration to show how the mind of the Government is working, though the Government may say that it is not their intention.

**Mr. K. Ahmed:** It is an inference only.

**Mr. S. C. Mitra:** Yes. It is an inference and I shall be very glad to hear that my inference is wrong. I would like to impress upon Government that this spirit of nationalism,—this hunger for liberty, this idea of every nation to have full freedom in its own native country,—cannot be and will never be checked by any piece of legislation. That is the main point that I have been urging all along. I had been a Congress man for a long time, even before the non-co-operation movement was launched in 1920. I have been a member of the all-India Congress executive. I have seen, year after year, we approached Government in a constitutional way with our petitions and appeals. Then, in 1920, when the whole country adopted non-co-operation, Government were very much nervous, because they did not know this phase of the movement. Gradually, they got accustomed to it and they put all their pressure, and what is the result? Now the people have lost faith in constitutional agitation and non-co-operation has given place to the civil disobedience movement. Really the spirit is not crushed. Indians will not tolerate being dominated by anybody. I have said it many a time that the people of India are not anxious to turn the Britishers, bag and baggage, out of India. They will be glad to have their full co-operation to develop their industries and avail themselves of the great organising power of the English race. They appreciate all this, but if in their own land they are treated as slaves and inferior people, how can you expect them to put up with your treatment. I am very much afraid that the success of these drastic measures may drive this open movement underground. This non-violent movement will lose its non-violent character. The other day a friend was telling us that the British Government had sent infantry battalions to crush the spirit of the Bengali race. We were humorously saying that they would do well if they send the Sappers and Miners in future, because the whole movement might go underground. So we want to impress upon Government that there must be an effort on the part of the Government to conciliate this spirit of revolt in the younger generation. These drastic

measures will not help. If you *can* crush it by a measure like this, you do crush it, by all means, but it is absolutely certain that nowhere in the history of the world the spirit of a nation which has developed itself into an organic state could be kept under restraint for a long time. That is why I say, even if you crush the civil disobedience movement, you will be really adding to the strength of the anarchist or the terrorist movement. I can boldly assert that no man in his senses will support terrorist movements. We all demand freedom of thought, freedom of association and freedom of action and do not think life is worth living if our opinion is forced at the point of the bayonet or the risk of a bomb. That is neither here nor there. It is really clouding the issue.

Sir, what we say is that these repressive measures that are meant against the civil disobedience movement will not avail—because that movement is a very legitimate movement—when an unarmed nation finds that all its reasonable appeals have failed and when it finds, year after year, that the nation is being crushed under economic pressure to the verge of starvation, when, for example, boys having received the highest education have not any avenues open for earning sufficient pittance to keep body and soul together, while they see before their very eyes every other nation progressing. Sir, how can Government, by drastic legislation alone, expect to keep a nation under subjection? That is the one idea that all along actuated me to say that these are not the measures that will help the Government, and that what should be done is to take recourse to real reconciliative measures: and, in that connection, Mahatma Gandhi's release was urged. Of course, simply by releasing Mahatma Gandhi nothing can be attained. If, for example, Mahatma Gandhi today unconditionally accepts Government's terms and tries his best to stop civil disobedience, what will be the effect? He will simply lose his influence with the people. Neither the Government nor the people will gain, but he will become impotent. Sir, every great leader maintains his position, because he can anticipate and rightly interpret the feelings that are working in the nation's mind. That is the outstanding element in a great leader: and if Mahatma Gandhi accepts Government's terms unconditionally, he may issue his ukase, but, Sir, it may be taken for granted that Mahatma Gandhi or even a greater man than he, will fail in the objective. What we urge is that let Mahatma Gandhi be released unconditionally as part of the wider principle of reconciliation. It is known to Government that he has accepted the principle of non-violence and by means of persuasion and non-violent pressure he hopes to effect a change in the angle of vision of this Government. If that is possible, if Mahatma Gandhi is given a chance of proceeding in his own ways, then that spirit of reconciliation will help in bringing in peace and order in the country and, not the mere fact of the release of Mahatma Gandhi. Sir, I am opposed to this drastic legislation, because I know it cannot affect the real issue. The true policy of reconciliation with full responsible Government will put an end to civil disobedience movement, and not these drastic laws.

**Sir Hari Singh Gorir** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I think we have debated the general question for three days and it is time that we came to closer grips with the Honourable the occupants of the Treasury Benches. On the last occasion, when this Bill was committed to a Select Committee, and, on the previous occasion, before the Bill was introduced, we explained our position to the Government



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in regard to the Ordinance Bill. Our position was clear and unequivocal, and, if Honourable Members will recall the words I used on the previous occasion, they will at once understand the reason why this side of the House is not at one with the Honourable the Home Member. Sir, in the month of February when the Ordinance Resolution was under consideration, I then pointed out to the then Home Member that there were several clauses in the Ordinance which could not stand the scrutiny of a judicial trial. I pointed out that, under the Government of India Act, this Legislature was not a sovereign body and that it was a body exercising its power by delegated authority from Parliament and that its powers were controlled and circumscribed by the provisions of section 65 of the Act. I then drew the attention of the Government to the proviso which laid down in clear unmistakable terms that the Government of India or the Indian Legislature had no power to enact any law which would in any way affect in any degree the allegiance of any person to the Crown of the United Kingdom, and I then explained as to what this phrase meant. I cited in that connection a passage from a well-known book, Taswell-Langmead's, "English Constitutional History", page 95, and to the later edition of that book I wish to recall the memory of Honourable Members today. At page 88, Sir, the authors summarise what are the conditions or implications of allegiance. They say:

"Three great political documents, in the nature of fundamental pacts between the Crown and the nation, stand out as prominent landmarks in English constitutional history.—The Magna Charta, the Petition of Rights and the Bill of Rights, constitute, in the words of Lord Chatham, the Bible of 'the Bible of the English constitution'. In each of these documents, whether it be of the thirteenth or of the seventeenth century, is observable the common characteristic of professing to introduce nothing new. Each professes to assert rights and liberties which were already old, and sought to redress grievances which were for the most part themselves innovations upon the ancient liberties of the people."

Honourable Members, who have studied the history of the English constitution imbedded in the English history, will find that, as far back as 1250, after the battle of Runnymede, when the Magna Charta was signed by King John, two clauses were acceded to and these are clauses 20 and 39; and clause 20 of the Magna Charta lays down that there shall be no amercement without trial. In other words, there shall be no forfeiture of property without a judicial trial; and the second, with which Members must be more familiar, is the well-known *Habeas Corpus* jurisdiction. In 1628, the Petition of Rights was granted and, in clauses 3 and 4 of it, it was clearly enacted that there shall be no seizure of property without trial. In 1689, in the reign of William and Mary, a Bill of Rights was passed in which it was emphatically laid down that fines and forfeiture before conviction were illegal and against the common law of England. All these clauses were brought under consideration and embodied in the Acts of Settlement of 1701 in which it was once more emphasised that the laws of England are the birth-right of the people binding on the king, so that you see the history of the English common law rights, which are the birth-rights of every British subject wherever he may be domiciled, and if we really wish to examine this question, we must examine the question from this basis of constitutional law.

Honourable Members will find that in this Bill, as in the Ordinance that preceded it, provision has been made for the forfeiture of property without recourse to justice. Provision has been made for vicarious punishment,

provision has been made giving the executive the right to amend and rescind Acts of this Legislature and last, but not least, a serious encroachment has been made upon the enactment passed by this House after full, fair and, may I add, prolonged consideration only so late as the 9th October, 1931, known as the Press Emergency Act. If, therefore, Sir, the further consideration of the report of the Select Committee is to be acceded to, I must ask this House to apply the test which we laid down and apply the common sense rules to which every Member of the Government and every Member on this side of the House must bow. Is there anything in the Government of India Act which can authorise the Indian Legislature to forfeit property of a subject of the Crown without trial and without giving him any right of redress in a Court of law? If I was to ask the Honourable Members of this House to take my word for it—Honourable Members on the Treasury Benches might demur, but they cannot object to the statement of law embodied in a well-known treatise written by Professor Dicey in his book on the Law of Constitution. Let us see what he says about it. And if, according to the test of that book, we find that there are provisions in this Bill which are *ultra vires* of the Indian Legislature, then I venture to ask the Home Member if he has consulted the Law Officers of the Crown on the legality of those provisions to which his attention was drawn as far back as February last. In Dicey's Law of Constitution, pages 228 and 229, we have the following words:

"The best proof of the very limited legal effect of such so-called suspension is supplied by the fact that before a *Habeas Corpus* Suspension Act runs out its effect is, almost invariably, supplemented by legislation of a totally different character, namely, an Act of Indemnity."

On page 229 he says:

"Suppose, again, that an arrest should be made by orders of the Ministry under circumstances which involve the unlawful breaking into a private dwelling-house, the destruction of private property, or the like. In each of these instances, and in many others which might easily be imagined, the Secretary of State who orders the arrest and the officials who carry out his commands have broken the law."

When he says "broken the law", he does not refer to the Statutory law only, but to the very foundations of the English constitution upon which depends the allegiance of the subject to the Crown. Those are the fundamental principles which cannot be altered even by the British Parliament. Then he goes on:

"They may have acted under the *bona fide* belief that their conduct was justified by the necessity of providing for the maintenance of order. But this will not of itself, whether the *Habeas Corpus* Act be suspended or not, free the persons carrying out the arrests from criminal and civil liability for the wrong they have committed. The suspension, indeed, of the *Habeas Corpus* Act may prevent the person arrested from taking at the moment any proceedings against a Secretary of State or the officers who have acted under his orders. For the sufferer is of course imprisoned on the charge of high treason or suspicion of treason, and therefore will not, while the suspension lasts, be able to get himself discharged from prison. The moment, however, that the Suspension Act expires he can, of course, apply for a writ of *habeas corpus*, and ensure that, either by means of being put on his trial or otherwise, his arbitrary imprisonment shall be brought to an end. In the cases we have supposed the prisoner has been guilty of no legal offence. The offenders are in reality the Secretary of State and his subordinates. The result is that on the expiration of the Suspension Act they are liable to actions or indictments for their illegal conduct, and can derive no defence whatever from the mere fact that, at the time when the unlawful arrest took place, the *Habeas Corpus* Act was partially at any rate, not in force."

The position, therefore, is as follows. Three fundamental rights, which are the condition of every oath of allegiance and are the birth-right of every British subject, have been safe-guarded to us by

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the Government of India Act, and that Act has laid down that nothing in the Act shall entitle the Indian Legislature to legislate in respect of anything which in any degree affects these rights upon which depends the oath of allegiance. Now, Sir, in England, in cases of grave national emergencies, what the Ministry do is to suspend for the time being the operation of the *Habeas Corpus* Act, but always follow, when the emergency has ceased, by the enactment of another measure known as the Act of Indemnity. But what are we here going to do? Let Honourable Members look at their Bill and they will see as to what provision is being made here in this enactment. Honourable Members' attention is invited to clause 17-F which lays down that every act, howmuchsoever illegal, howmuchsoever egregious and unjustified, will give no cause of action to the civil or criminal Court barring only cases in which the act has not been done in full faith or intended to be so done under that sub-section of the Bill under reference. Now, Sir, under English law, it has been laid down that howmuchsoever *bonâ fide* may be the act of the servant of the Crown, the doctrine of *respondent superior* would not apply towards acts which are inherently illegal. And here I submit that in section 17-F, under clause 13 of the Bill, the Honourable the Home Member wants to enact the law which gives these very servants a complete indemnity in advance of the acts which they are about to commit howmuchsoever illegal those acts might be. The Honourable Member will realise that in England such acts will be regarded as not only illegal, but as loosening the very fabric of the English constitution. As far back as 1801, it was settled in Parliament that an act of indemnity had to be passed after the acts had been done and when Parliament was in possession of all those acts, it was for the Parliament to decide whether they shall condone or not condone the acts of their servants. I, therefore, submit that this basic principle of common law to which I drew the attention of the occupants of the Treasury Benches in sufficient time has not yet been examined, so far as I am aware by any legal experts, or, indeed, by the Select Committee.

Reading through the proceedings of the Select Committee, I find no reference, not even a passing reference, to this fundamental question which affects the very foundation of the Legislative Assembly's jurisdiction in matters of this legislation. Therefore, I submit, it is perfectly just and right that we should pass in review our own power and transgress nothing that we are forbidden to do by the limited jurisdiction conferred upon us by the Government of India Act. It is not merely a question of propriety, it is a question of jurisdiction and legality.

Another point to which I would draw the attention of the House is, how many provisions there are in this Bill which empower the executive to confiscate property without recourse to a Court of justice. Clauses after clauses occur in the Bill and let me give Honourable Members one reference. Section 17-B lays down:

"The District Magistrate, Commissioner of Police or officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof in the presence of two respectable witnesses."

Then the clause goes on:

"If, in the opinion of the District Magistrate, or, in a Presidency-town, the Commissioner of Police, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed, subject to the provisions hereafter contained in this section, to order such articles to be forfeited to His Majesty."

Now, I wish to ask, in all humility, what authority do the Government have to confiscate a man's property by an executive action without giving him the opportunity and his right to question the act in a Court of law. The Select Committee have adopted a short sub-clause, (7), of which I am not unaware, namely, that the matter may be referred to "the decision of the District Judge whose decision on that point shall be final", mark the word, "final". In this connection, I have already troubled the House by recalling to it the provisions of section 107 of the Government of India Act which lays down that the High Court shall have powers of superintendence over all Courts subordinate thereto and yet here, by one fiat of the Indian Legislature, you are making an order passed by a subordinate Court final in the sense that it shall not be open to appeal or revision by the High Court. Sir, I will only trouble the House by giving a few instances of the *ultra vires* character of the several provisions of this Bill which the Honourable the Home Member, and indeed the Honourable the occupants of the Treasury Benches should seriously think over before proceeding further with the motion that they have in hand. I am not, and I shall never be a party to a mere dilatory motion. I have always assisted the Government against the wishes and much against the advice of my Honourable friends who surround me when I am morally convinced that the Government are right. But this is one of those occasions when Government should take counsel with themselves and see whether they are not transgressing the plain provisions of the English constitution underlying the enactment of section 65 of the Government of India Act.

Passing on to another aspect of the Bill, we find that this Bill gives the Local Governments power to amend or annul some of the salutary provisions contained in the Criminal Procedure Code by making bailable offences non-bailable and by suspending the operation of several provisions of the Criminal Procedure Code. Now, Sir, I ask this House one question. I ask the occupants of the Benches on both sides, whether they are sitting on the Treasury Benches or on the Opposition Benches, one question, we are sitting here as legislators of the country, we have the power of legislating for this land. Are we prepared to abdicate our functions and surrender our rights in favour of the executive in the Provinces? (Hear, hear.)

**Some Honourable Members** No, no.

**Sir Hari Singh Gour** I ask Honourable Members another question. The Local Governments will make an offence non-bailable which you have made bailable. The Local Governments will suspend several provisions of the Criminal Procedure Code which you have passed. Will you be a party to giving them indemnity against the abuse of the provisions and abuse of the power which you are transferring to the executive? Sir, this is not a mere question of abstract law, it is a question which must create qualms of conscience even in the occupants of the Treasury Benches. I am sure, Sir, that if I could divide up the personality of the Honourable the Home Member and make Mr. Haig separate from the Honourable the Home Member, which I might be tempted to do by enforcing the provisions of clause 7, by asking him to do his duty, and if you will permit me, Sir, in anticipation, to enforce the provisions of that clause by demanding that all the loiterers in the Treasury Benches shall not molest

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him, what would be his answer. (Laughter.) I am sure that here Mr. Haig differs from the Home Member. Sir, we are asked once more in this House to tighten up the rigours of the Press law and bring it back to the position in which it stood before this House, after a month of serious consideration, enacted the measure in anticipation and to provide against the very movement of which the Honourable Member complains. I wish to ask the Honourable the Home Member, has this Press emergency law been brought into force and has it been found wanting so as to entitle him to have recourse to the very provisions which we rejected and which he now demands we should re-embody in the Ordinance Bill? If Honourable Members will turn to the debate on the Press Bill, and I invite the attention of Honourable Members to a few passages in that debate printed on page 300, dated 11th September, 1931, this is what Sir James Crerar, the predecessor in office of the Honourable the Home Member, said in its support:

"Public opinion has been deeply and justly shocked by the unhappy prevalence and the serious extension of terrorist crime. Public opinion is insistent in its demand for a remedy."

It is in response to that appeal made by the Honourable the Home Member that this House recast the drastic provisions of the old Ordinances and, by their considered judgment, enacted the provisions of Act XXIII of 1931. But, before the ink on the paper on which that Bill was printed was dry, the Honourable the Home Member comes back and says: "Oh! give us back the power that we possessed under the Ordinance. Never mind the Act that you passed in October, 1931". Sir, should this House stultify itself? Is there any Member of this House who would not ask the question: "We have given you a power only a few months ago. We spent days and days of anxious thought as to how to remedy the evil of which you complained and we have given you statutory authority within the limits we considered fair and just; and you promised in accepting that measure to try and use it for the purpose for which it was intended. But you did nothing of the kind; you have broken the compact by not using the Press law which we enacted and now you come once more and say that you do not want that, you want something more drastic". Sir, those of us, who have little children, know that if you give a child a jujube to eat and he sees another on the table, he says: "No, mummy, I do not want this, I want that"; and when you give him that, he says: "No, mummy, I do not like this, I want that". Is that your attitude? We gave you one, and now you come up without trying it, and say: "No, no, we do not want that". (Laughter.) And, supposing, out of our affection for you, we do give you the other, I am not sure that you would not come up the next day and say: "No, we do not want this, we want that". Where is it all going to end? You would be landing yourself into a mass of contradictions in which not your sagacity or judgment, but even the sanity of your judgment would be in question. Sir, I am certain that Honourable Members will reflect before they commit themselves to this irrevocable step of giving the Government larger powers when the Press Act is before them on the Statute-book and not given effect to or tried, or if tried, has not in any degree been found wanting.

If these were the objections, Sir, in my humble judgment they would be insuperable. But, when I turn to the details of the Bill, what do I

find? The Honourable the Home Member, in accepting the motion for reference to Select Committee, said that he was quite prepared to go to the Select Committee, but he cautioned the House that he would not agree to the Bill being reduced to a pale shadow. Mentally, I am afraid, there was a reservation that when the Bill came back, it might be not a pale shadow, but a grim spectre, and this is what Honourable Members see before their eyes. (Cheers from the Opposition Benches.) You see before you, Sir, all the provisions of the Ordinance re-enacted in no way diluted out of deference to the consideration that we showed, out of deference to the criticisms that we have been making since February of this year. And, therefore, we feel justified in asking a question, if we are to precipitate the further progress of this Bill and enact it into law, are we quite sure that we have resolved all the doubts that arise in our minds regarding the legality, propriety and wisdom and expediency of giving such wide legislative powers to the executive? Sir, the other day my friend, Sir Leslie Hudson, in a maiden speech, on which I congratulate him, spoke with brutal frankness that the Congress had declared war upon Government and Government were bound to respond. These are the bows and arrows of Government flung at the Congress for which the Honourable Member wants that you and I should supply the poisonous tips. Sir, I can forgive my friend, Sir Leslie Hudson, but I cannot forgive my friend, Mr. Arthur Moore, who is not a stranger to this House, who is conducting a widely read newspaper and who this morning solemnly got up and said that Government must govern or get out. Are we the Government? We are not the Government.

**Mr. Arthur Moore:** May I point out that I did not say this, Sir?

**An Honourable Member:** It was Mr. Ghuznavi who said that.

**Sir Hari Singh Gour:** I make very little distinction between Mr. Ghuznavi and Mr. Moore. They are two leaves from the same book. (Applause.) My Honourable friend in an impassioned speech said that he would support this Bill though he was not enthusiastic about it; but has my friend for one moment thought as to what his words implied? Government have their duty. As administrators, their duty is plain and simple, namely, to make short work of all laws. They are in the position of a policeman who has got no time to turn to his breast-pocket and read the instructions; but we are here as legislators and it is our duty now to issue commands and whatever might have been the illegalities of the executive government in the past, they are responsible, not we; because it is they who have promulgated Ordinances and given effect to them over the head of the Legislature. But now when occasion arises, when the Legislature has to issue to the country at large its mandate and to all public servants, executive, police, judicial and others, the fiat from the Central Legislature, telling them what to do and what not to do, the occasion is a solemn one; the responsibility is great and your power on this occasion must be wisely exercised. Do not run away with the feeling that the executive will use these powers more wisely in the future than they have done in the past; only in the future they will use these powers not because they have fashioned them, but they shall use them in your name and under your authority. When a lathi charge is

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made, the policeman will say: "Here is an Act of the Indian Legislature, passed by the will and with the concurrence of a body in which the elected Members were in a majority and I am carrying out my lathi charge in the name of that body". The position is different to what it was when the Ordinances were on the Statute-book and you did not share the responsibility of enacting them. Our position on the present occasion is grave and solemn and I wish to warn the Government that whatever may be the temptation for the promulgation of Ordinances, we shall not be hurried into a hasty piece of legislation of the legality of which we are not certain, of the impropriety of which we are certain; and I, therefore, ask this House to give time to consider. When my Honourable friend, Mr. Sadiq Hasan, moved his motion for circulation, some Honourable Members got up and said, "What do you want this circulation for?" It really makes one sad to think that there are Members in this House who can talk in that spirit of levity. Knotty questions of constitutional law, questions which must have baffled the Government, questions as to how far the Indian Legislature can abrogate the fundamental rights upon which is based every oath of allegiance, and the power of the Indian Legislature—these are the questions which we should like the High Courts to consider and give their opinions upon. Can the Honourable the Home Member deny that that is an avenue of approach which is not reasonable? We should further like the Honourable the Home Member to consult Governments, like the Governments of Ajmer Merwara, Baluchistan and Coorg and the Sonthal Parganas as to whether they want any Press Act, because, I find from the operative clause of this Bill that the whole of this Act, except sections 4 and 7, are to apply to the whole of British India. I should like to know whether the whole of this Act, barring these two sections, are necessary in all these tracts where the civil disobedience movement is not even heard of. Further, I should like to know whether the Local Governments in all the Provinces have constructed those fine castles in the air to which my Honourable friend, the Home Member, referred in his opening speech, which are to rest upon the imaginary foundation of this Bill, not yet enacted into law. I have seen from the newspaper reports that in Bengal and the United Provinces, in the Punjab and the Frontier Province, they have reared up a superstructure on the imaginary foundation of this Bill; but I have not heard whether all the Provinces have done the same and, if they have not, I presume that they do not consider the necessity for this Bill. We should then be enacting for places and persons who are wholly unaffected by the provisions of this Bill and I cannot understand why this large and all-embracing measure is to apply even to tracts wholly unaffected by the civil disobedience movement. These are the general considerations which naturally make me pause before I can give my vote in favour of the further progress of this Bill; and when my friend, Mr. Sadiq Hasan, wants the circulation of this Bill, he is not asking for anything impossible. You will have a chance between now and January or February when we next meet to have the expert opinions of the High Courts, the opinions of the Local Governments to be affected and not to be affected and there would be time then to make further progress with this Bill. In the meantime I find that the atmosphere is highly uncongenial to the further progress of this Bill. I see in the country around me cries of peace from everywhere, unity conferences, and such like are the order of the day; and I was only yesterday reading a cable sent from England to the effect

that the Secretary of State had been assured that the civil disobedience movement was dead and the power of the Congress crushed. If that is the case, I ask you, is it not time to cry halt to your repressive policy? Give the country a little breathing time and it may be that the difficulties which you apprehend and from which you say you are suffering will solve themselves by the short lapse of time. There is, therefore, everything to be gained and nothing to be lost by acceding to the motion of my Honourable friend for circulation. It is not a dilatory motion. If it were a dilatory motion, I would have voted against it, but I have been thinking within myself and, I am sure, there are many behind me who have been doing the same—and taking counsel with me as to what I consider to be the right course to follow on this occasion, and with the weight of my responsibility to advise them, I feel that I should be guilty of gross dereliction of my duty as a Member of this House, as a representative of the public, if I did not tell Honourable Members on the other side of the House as to what I think of this Bill, and in what respect does this Bill require further improvement before it can be enacted into law. It does not matter whether it goes to the Select Committee or not. I am not in favour of a Select Committee, because the Select Committee may or may not consider the various intricate provisions of the Bill, but the Honourable the Home Member understands what we want, and, if he has got an answer, he will give it, but if he has not got an answer, he will give us an argument, and we shall see what to do with the argument without an adequate answer.

Sir, I do not wish to detain this House, but, passing in critical review, I shall only refer to a few clauses which, I submit, require drastic changes. In the first place, I should like this Bill to be only applied to provinces where there has been the civil disobedience movement and where the recrudescence of the civil disobedience movement is either imminent or is probable. In the second place,—I may be alone, I do not care,—but I shall be constrained to vote against any provision in this Act which gives the executive the right of taking away a man's property without giving him the right to obtain redress in a Court of law.

Then, Sir, in this Bill—our Labour Member is not present; he is absent performing other public duties,—there is clause 3, the provisions of which would prevent any concerted action by the Trade Unions, though the Trade Unions have been recognised as lawful Organisations and Associations by the Government. They may have grievances of their own unconnected with the civil disobedience movement, and you will still, under the provisions of this Act, prevent them from ventilating their grievances in the only way in which they have the power to ventilate their grievances.

Then, Sir, there are drastic penalties against picketing, and the justification against picketing is that picketing is a part of the civil disobedience campaign. Sir, long before the civil disobedience movement started, we reformers, and you, Sir, and a great many others, were interested in temperance and in Swadeshi, and if there are a large number of people,—and the Honourable the Law Member rightly pointed out that Congress was not the people of India,—there are a very large number of people who are interested in this necessary measure of social reform. They want that the people should use indigenous articles, they want that people should be persuaded to refrain from drinking. Are they singular? In that great trans-Atlantic republic, the United States of America, people, flesh of your



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flesh and blood of your blood, have they not started and started with success a raging and tearing campaign that America should go dry?

**Mr. Arthur Moore:** No, wet.

**Sir Hari Singh Gour:** And did they not use all measures within their power to bring sobriety to the nation?

**An Honourable Member:** To the detriment of Europe.

**Sir Hari Singh Gour:** Sir, I venture to submit that outside that class of civil disobedience workers whose object is political, there is a much larger class of non-political social reformers who are anxious and have been anxious to establish temperance and Swadeshim in this country. Have you made any provision to safeguard their rights? You have done nothing of the kind. I, therefore, submit that the provisions of this clause regarding picketing are too wide. It may be that the Honourable the Home Member would say that if we allow a narrow door for the escape of social reformers, it will be a door through which all these civil disobedience people will escape. But, if that is the defect of the law, it is no reason why you should not make adequate provision against it. I am not here redrafting the clause. I am only telling Honourable Members that if they really want that the mischief of civil disobedience, as such should be restricted, they should immediately restrict the Bill by the use of suitable language to the mischief directed against. I, therefore, submit that there are not only one or two casual defects in this Bill which can be solved by amendments here, but the whole thing is pierced through and through with defects of a more or less serious character which cannot be disposed of on the floor of this House. I do not, therefore, Sir, ask my friends on this side to assist the Government in the further progress of this Bill. Before I sit down, I would ask every Honourable Member to carefully ponder and consider the serious responsibility that rests on his shoulder on this occasion how he uses his vote. (Loud Applause.)

**Several Honourable Members:** Sir, the question be now put.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is that the question be now put.

The motion was adopted.

**The Honourable Mr. H. G. Haig:** (Loud Cheers.) Sir, it is nearly two months now since this House debated the principles of this Bill at considerable length for five days in Simla. Since then the Select Committee has examined the provisions of the Bill exhaustively for about a fortnight; and now we have reached the end of the third day's debate on this motion. I confess that I am surprised that the Government should be accused of adopting a procedure of haste. Indeed, the inevitable delays in the various stages of considering this Bill have given rise, in the course of the debate, naturally enough, to a certain amount of repetition of arguments and considerations that have been advanced before in Simla. That being so, I hope, Sir, you will excuse me if I too revert to some of the general

considerations and remind the House of the main position of Government in regard to this Bill.

In the first place, the Bill, as I said this morning, is directed against civil disobedience, and let me for a moment remind the House of what civil disobedience means. It is a movement designed to paralyse and coerce the Government, and it is a movement which, in the course of its activities, endeavours to intimidate and coerce those individuals who do not agree with the Congress. Now, Sir, we have heard many estimates of the vitality of this movement. My Honourable friend, Diwan Bahadur Rangachariar, whom I am sorry not to see here this afternoon, suggested that the movement was moribund, if not completely dead. This morning's telegrams bring us a curiously different estimate. The members of the India League Delegation, in their brief visit to this country, have made a number of discoveries which appear to have escaped the notice of those of us who merely live here. (Laughter.) And among their discoveries is this, that "the whole of India is Congress minded, and Mr. Gandhi holds in his hands the lives of all Englishmen and Englishwomen in India, and he has been rightly described as the best policeman the British have in India". That is to say, the leader of the civil disobedience, a movement directed to destroy the law, is the best policeman at present that we have in India! Well, Sir, I do not wish to lay too much stress on the views of the India Delegation. They are, after all, comparative novices in Congress propaganda. No doubt, with added experience they will realise that a propagandist statement ought to have some plausibility if it is going to carry conviction.

Sir, the civil disobedience movement, in the judgment of the Government, is gradually dying down, but it is still alive,—there must be no mistake about that. It will not, in my judgment, end so long as the leaders feel that there is any prospect of gaining their objects, and nothing is so likely to convince the leaders that they cannot gain their objects as the passing of this Bill and the Bills which are before the local Legislative Councils, for those Bills provide the powers against which the civil disobedience movement cannot prevail.

As I said before, in Simla, we are approaching a difficult period of transition. At a time like this we do not want the State to be inoculated with germs which will lead to the dissolution of all our hopes, for the worst feature, in my opinion, of the civil disobedience movement, is the method of direct action which it follows. There could be no more disastrous legacy that we could pass on, the present Government could pass on, to its successors than the triumph of direct action. Direct action is the greatest enemy of democracy. The principle of democracy is that the country is governed by argument, by reason, by voting, and not by coercion. It is not governed by walking out or by lying down, or by methods of obstruction, whether active or passive, and, if those methods gain the prestige of success just as this country is embarking on this enormous experiment in democracy, I can only see disaster ahead of us.

Well, Sir, we have had discussion as to the period for which these powers should be enacted. Our view is that the powers must be taken for a period sufficient not only to see the end of the present civil disobedience movement, but to see that there is no chance, particularly at a time when power is being transferred to other hands, of a revival. I am well aware that certain Honourable Members contend that once the new constitution

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has come in there can be no prospect of these methods being employed. But this is not a weapon that can merely be used against the present Government; in fact, it is not a weapon that is only being used against the present Government. The Congress is tyrannising over its own fellow countrymen, and if the Congress were successful in its object, it would establish under the new constitution a tyranny of a type that we have seen elsewhere in other countries where a small group of men get power for themselves and dominate by coercion the great mass of their fellow citizens.

As I have said before, and I say it again, we are not, in the measures that we are taking against civil disobedience, attacking the spirit of nationalism. We are attacking the methods that the Congress mistakenly adopts. It has been suggested in the course of this debate that our motives cannot be trusted, that we say one thing and mean another, that we have no intention of handing over power to the people of this country, but that having secured the passage of this Bill we shall entrench ourselves in our present position.

Well, Sir, instead of weaving the webs of suspicion, let us look at the facts. At the present moment, the Third Round Table Conference is sitting in London and let us look at the past history of that Conference. It does not start with a clean slate. The First Conference and the Second Conference came to very far-reaching fundamental decisions of principle as to the nature of the new constitution. We cannot foresee precisely the form in which those principles will be clothed when His Majesty's Government come to put forward in Parliament their proposals next year, but, at any rate, we have a clear idea of the general object and intention of His Majesty's Government and that is that real power should be handed over to the people of this country. Again, if we really intended to use these powers to resist reform, why should we agree to a time limit of three years? What use is it to us to maintain our present position for three years and then do exactly what in fact we are proposing to do now. If anything of that sort had been in our minds, surely we would have insisted on the permanence of this measure, and we would have justified the desertion of ourselves just given by my Honourable friend, Mr. Mitra—a machine, a relentless machine which never deviates from its course. The Honourable the Leader of the Independent Party raised another difficulty. He said—Suppose Congress come in and repeal this measure. Well, Sir, in the first place, I am not one of those who believe that the Congress in the new conditions are likely to sweep the country. They may secure the power in certain parts of the country; in others, I believe, they will certainly not. But suppose the Congress does come in. I am perfectly prepared to take my chance of that. We cannot guide the Governments of the future. We can only give them a fair start and leave them to solve their own difficulties in their own way. Again, I think, it was my Honourable friend, Sir Abdur Rahim, who suggested that non-Congress men, those Honourable Members who sit on the opposite side of the House and who condemn this measure, if they come into power, the first thing they will do is to repeal it. Well, Sir, it is surely a commonplace of experience that those who speak very scathingly and drastically in opposition very often change their minds when they come into positions of responsibility. (Some Honourable Members: "and vice versa also.") Honourable Members opposite very often know our difficulties, but I do

not expect them to acknowledge them. But when they sit in these seats, they will have to face them themselves and they will find that responsibility moulds opinions in unexpected ways.

**Mr. Lalchand Navalrai:** Do not pass the Bill and we will recognise the responsibility.

**The Honourable Mr. H. G. Haig:** We had an appeal from my Honourable friend, Diwan Bahadur Rangachariar. He, as a good liberal, sees clearly how we are all in the wrong, the Congress and the Government alike, and he was inspired by a feeling of kindly tolerance which, I feel at times, he was disposed to extend even to the Government as well as to the Congress, and, with his mellow outlook on life, he believed in killing this civil disobedience by kindness. There are diseases in the body politic as in the human body which do not yield to treatment without a little pain and I cannot believe that, shrinking from a little pain, a little inconvenience and a little difficulty, the House will ask us to leave our task half done. We have got to eradicate this belief in direct action. What is the spirit we are fighting against? It is not, as I said, the nationalist spirit, but we are fighting against a spirit which is well expressed, I think, by a passage which I saw a few days ago in the Bombay Congress Bulletin, surely an authoritative exponent of Congress ideas. It was dated the 7th November of this year and this is what it says:

"The Congress adopts every possible method of persuasion in trying to convert people to its convictions. Failing that, it is driven to resort to direct action and is always ready to face the consequences that result from direct action."

In other words, the Congress starts off by trying to persuade others, but if they are so stupid or so obstinate as not to agree with the Congress, then they will be made to. That is the spirit that we have got to eradicate. (Applause.) That is the spirit which leads, as they themselves say, to direct action, to boycotting, to picketing and to all the activities at which this Bill is aimed. A democratic constitution cannot exist if that spirit is widespread. I do not propose, Sir, to say more than one word about the Select Committee, but I cannot refrain from extending my respectful commiseration to my Honourable friend, Mr. Puri, who was frank enough to acquaint us with his disappointment when he walked out of the Committee and found that he was followed by three members only, instead of six. It is a painful matter, Sir, for a leader when he finds that his followers do not follow him.

Now, there are a number of points which have been raised in the course of this debate which, I think, can best be answered when we come to the amendments. But there are one or two which I must endeavour to deal with briefly here. In the first place, there seems to be some little misunderstanding as to the relation between the Bill before the House and the local legislation which is being promoted in various Legislative Councils. The position is that the main and universal activities of the civil disobedience movement are being dealt with by the Bill before this House; and, if that Bill is passed, there will be many areas in India where no further supplementary legislation will be required. But there are other provinces where civil disobedience has shown more formidable

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manifestations, where supplementary legislation is required, and that supplementary legislation is now proceeding and proceeding successfully in one local Legislative Council after another. The position is that if this House does not pass this legislation, then the foundation, on which the measures taken in various local Legislative Councils are based, will disappear.

Then, Sir, my Honourable friend, the Leader of the Nationalist Party, has made a great complaint as to our treatment of the Emergency Press Act which was passed, I think, in 1931. He said that having got that Act, we threw it away and did not use it, and immediately produced an Ordinance in its place. Well, Sir, I must remind the House that that Act was confined to activities in promotion of the terrorist movement. It did not profess to control the press to any greater extent than that; and when the civil disobedience movement was revived and a totally different set of conditions was set up, naturally much greater control was required over the press; but we have not discarded the provisions that this House, as my Honourable friend reminded us, decided to give us. On the contrary, if he will look at the provisions of this Bill, he will see that they are based on an amendment of that very Act, an extension of that Act. We are not repealing the powers granted by that Act, we are supplementing them. Therefore, we are still treasuring the jujube that the House has so kindly offered us.

My Honourable friend, Mr. Ranga Iyer, drew attention to a certain case in Bombay where the security of the *Free Press Journal* had been forfeited and I promised to look up the papers. I find that though the article dealt with a movement, I think it was for temple entry, any how a dispute between Sanatanists and Untouchables, the action taken by the Bombay Government had nothing to do with that particular dispute, but they took that action in view of a very definite attack which was made in the article on the character and the impartiality of the Government.

My Honourable friend, Mr. Hoon, suggested that the Government were in a dilemma in connection with the arrests of civil disobedience followers. He said that the Congress leaders were anxious to get as many of their followers into jail as possible. That, Sir, is a matter of which we are perfectly well aware. We can quite well see that the policy of the Congress is to fill the jails. He then suggested that the object of the Government was precisely the same, and that any officer who had effected a large number of arrests received special commendation from the Government. Sir, the Government realise that the best index of their success in wearing down the civil disobedience movement is the reduction in the number of arrests and the reduction in the number of persons imprisoned in jail. I have some figures here before me which are from that point of view extremely encouraging. Every month, I think, since February, when the number of convictions was very large—over 17,000—every month since then the number of convictions has been steadily decreasing, until in October it had fallen to under 2,000. In the same way, since the end of April, the number of persons in jail has been steadily decreasing every month. It was at its maximum at the end of April,

when there were over 32,000 persons in jail, and, at the end of October, that number had been reduced to 18,000. Therefore, Sir, I am not alarmed by the dilemma suggested by Mr. Hoon.

I listened with the greatest interest to my Honourable friend, Mr. Gaya Prasad Singh, as he read out a series of extracts dealing with orders passed under section 4 of the Ordinance—a section which is not in any way reproduced in this Bill. I could not help wondering as he proceeded whether he had not got his brief mixed up. I thought possibly he had got hold of a brief intended for some Honourable Member in a local Legislative Council where it was proposed that these provisions should be reproduced, and I shall look with interest to see whether in some local Legislative Council some Honourable Member begins to read out Mr. Gaya Prasad Singh's brief and gives us a list, which I have long been waiting for, of abuses of the boycotting section. Sir, we are always told of extraordinary cases which might arise under the boycotting section. Ingenious and imaginative hypotheses are advanced as to what might conceivably happen. But we do not get either from Mr. Gaya Prasad Singh or anybody else examples of actual abuses of that boycotting section. I shall study the proceedings of Legislative Councils in the provinces with great interest in order to see Mr. Gaya Prasad Singh's real brief.

Well, Sir, I do not think it necessary to discuss at any length the amendments before the House. Shaikh Sadiq Hasan has proposed that the Bill should be circulated for the purpose of eliciting opinion. I think, in support of his proposal, he said that if this motion were carried—the motion for circulation—we could be sure that the whole matter would be discussed threadbare.

Well, Sir, I am inclined to think that even now it is wearing a little thin. It is perhaps an awkward thing for me to express a preference as between the views of the Honourable the Leader of the Nationalist Party and the Honourable the Deputy Leader of the Nationalist Party, but if I may venture to express a preference I would say that it is better, as Mr. Ranga Iyer suggested, to face these issues definitely without delay or evasion. I would ask the House to vote for the motion which I have placed before it in the interests of the peaceful development of the country and the liberty of action of individuals in the political and economic sphere. (Applause.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That the Bill, as reported by the Select Committee, be re-committed to the same Select Committee with instructions to report on or before the 24th November, 1932."

**Mr. Goswami M. R. Puri**: I beg to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question now is:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon."

The Assembly divided:

AYES—40.

Abdul Matin Chaudhury, Mr.  
 Abdur Rahim, Sir.  
 Aggarwal, Mr. Jagan Nath.  
 Bagla, Lala Rameshwar Prasad.  
 Bhuput Singh, Mr.  
 Chandhi Mal Gola, Bhagat.  
 Dutt, Mr. Amar Nath.  
 Gour, Sir Hari Singh.  
 Gunjal, Mr. N. R.  
 Hari Raj Swarup, Lala.  
 Isra, Chaudhri.  
 Jadhav, Mr. B. V.  
 Jog, Mr. S. G.  
 Lahiri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.  
 Liladhar Chaudhury, Seth.  
 Maswood Ahmad, Mr. M.  
 Misra, Mr. B. N.  
 Mitra, Mr. S. C.  
 Murtuza Saheb Bahadur, Maulvi  
 Sayyid.

Pandian, Mr. B. Rajaram.  
 Parma Nand, Bhai.  
 Phookun, Mr. T. R.  
 Puri, Mr. B. R.  
 Puri, Mr. Goswami M. R.  
 Ranga Iyer, Mr. C. S.  
 Rastogi, Mr. Badri Lal.  
 Reddi, Mr. P. G.  
 Reddi, Mr. T. N. Ramakrishna.  
 Roy, Rai Bahadur Sukhraj.  
 Sadiq Hasan, Shaikh.  
 Sarda, Diwan Bahadur Harbilas.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.  
 Singh, Kumar Guptaeshwar Prasad  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Thampan, Mr. K. P.  
 Uppi Saheb Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

NOES—63.

Abdoola Haroon, Seth Haji.  
 Abdul Hye, Khan Bahadur Abul  
 Hasnat Muhammad.  
 Acott, Mr. A. S. V.  
 Ahmad Nawaz Khan, Major Nawab.  
 Ahmed, Mr. K.  
 Allah Baksh Khan Tiwana, Khan  
 Bahadur Malik.  
 Amir Hussain, Khan Bahadur Saiyid.  
 Anklesaria, Mr. N. N.  
 Anwar-ul-Azim, Mr. Muhammad.  
 Bajpai, Mr. G. S.  
 Bhore, The Honourable Sir Joseph.  
 Bower, Mr. E. H. M.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Dudhoria, Mr. Nabakumar Sing.  
 Dunn, Mr. C. W.  
 Dutt, Mr. G. S.  
 Fazal Haq Piracha, Shaikh.  
 Fox, Mr. H. B.  
 Graham, Sir Lancelot.  
 Greenfield, Mr. H. C.  
 Gwynne, Mr. C. W.  
 Haig, The Honourable Mr. H. G.  
 Hezlett, Mr. J.  
 Hossack, Mr. W. B.  
 Hudson, Sir Leslie.  
 Ishwarsingji, Nawab Naharsingji.  
 Ismail Ali Khan, Kunwar Hajee.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur  
 Sardar.  
 Lal Chand Hony, Captain Rao Baha-  
 dur Chaudhri.  
 Mackenzie, Mr. R. T. H.  
 Macqueen, Mr. P.

Meek, Dr. D. B.  
 Metcalfe, Mr. H. A. F.  
 Mitter, The Honourable Sir  
 Brojendra.  
 Moore, Mr. Arthur.  
 Morgan, Mr. G.  
 Muazzam Sahib Bahadur, Mr.  
 Muhammad.  
 Mukherjee, Rai Bahadur S. C.  
 Naydu, Rao Bahadur B. V. Sri Hari  
 Rao.  
 Nihal Singh, Sardar.  
 Noyce, The Honourable Sir Frank.  
 Parsons, Sir Alan.  
 Rafiuddin Ahmad, Khan Bahadur  
 Maulvi.  
 Rajah, Rao Bahadur M. C.  
 Rajan Baksh Shah, Khan Bahadur  
 Makhdum Syed.  
 Rau, Mr. P. R.  
 Ryan, Mr. T.  
 Sarma, Mr. R. S.  
 Schuster, The Honourable Sir  
 George.  
 Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan Gakhar,  
 Captain,  
 Singh, Mr. Pradyumna Prasad.  
 Smith, Mr. R.  
 Sorley, Mr. H. T.  
 Suhrawardy, Sir Abdulla-al-Māmūn.  
 Talib Mehdi Khan, Nawab Major  
 Malik.  
 Tottenham, Mr. G. R. F.  
 Wajihuddin, Khan Bahadur Haji.  
 Wilayatullah, Khan Bahadur H. M.  
 Yakub, Sir Muhammad.  
 Zulfikar Ali Khan, Sir.

The motion was negatived.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That the Bill to supplement the Criminal Law, as reported by the Select Committee, be taken into consideration."

The Assembly divided :

AYES—63.

Abdoola Haroon, Seth Haji.  
 Abdul Hye, Khan Bahadur Abul  
 Hasnat Muhammad.  
 Acott, Mr. A. S. V.  
 Ahmad Nawaz Khan, Major Nawab  
 Ahmed, Mr. K.  
 Allah Laksh Khan Tiwana, Khan  
 Bahadur Malik.  
 Amir Hussain, Khan Bahadur Saiyid.  
 Anklesaria, Mr. N. N.  
 Anwar-ul-Azim, Mr. Muhammad.  
 Bajpai, Mr. G. S.  
 Phore, The Honourable Sir Joseph.  
 Bower, Mr. E. H. M.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Dudhoria, Mr. Nabakumar Sing.  
 Dunn, Mr. C. W.  
 Dutt, Mr. G. S.  
 Fazal Haq Piracha, Shaikh.  
 Fox, Mr. H. B.  
 Graham, Sir Lancelot.  
 Greenfield, Mr. H. C.  
 Gwynne, Mr. C. W.  
 Haig, The Honourable Mr. H. G.  
 Hezlett, Mr. J.  
 Hossack, Mr. W. B.  
 Hudson, Sir Leslie.  
 Ishwarsingji, Nawab Naharsingji.  
 Ismail Ali Khan, Kunwar Hajee.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur  
 Sardar.  
 Lal Chand, Hony. Captain Rao  
 Bahadur Chaudhri.  
 Mackenzie, Mr. R. T. H.  
 Macqueen, Mr. P.

Meek, Dr. D. B.  
 Metcalfe, Mr. H. A. F.  
 Mitter, The Honourable Sir  
 Brojendra.  
 Moore, Mr. Arthur.  
 Morgan, Mr. G.  
 Muazzam Sahib Bahadur, Mr.  
 Muhammad.  
 Mukherjee, Rai Bahadur S. C.  
 Naydu, Rao Bahadur B. V. Sri Hari  
 Rao.  
 Nihal Singh, Sardar.  
 Noyce, The Honourable Sir Frank.  
 Parsons, Sir Alan.  
 Rafiuddin Ahmad, Khan Bahadur  
 Maulvi.  
 Rajah, Rao Bahadur M. C.  
 Rajan Bakhsh Shah, Khan Bahadur  
 Makhdum Syed.  
 Rau, Mr. P. R.  
 Ryan, Mr. T.  
 Sarma, Mr. R. S.  
 Schuster, The Honourable Sir  
 George.  
 Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan Gakhar,  
 Captain.  
 Singh, Mr. Pradyumna Prashad.  
 Smith, Mr. R.  
 Sorley, Mr. H. T.  
 Suhrawardy, Sir Abdulla-al-Māmūn.  
 Talib Mehdi Khan, Nawab Major  
 Malik.  
 Tottenham, Mr. G. R. F.  
 Wajihuddin, Khan Bahadur Haji.  
 Wilayatullah, Khan Bahadur H. M.  
 Yakub, Sir Muhammad.  
 Zulfiqar Ali Khan, Sir.

NOES—39.

Abdul Matin Chaudhury, Mr.  
 Abdur Rahim, Sir.  
 Aggarwal, Mr. Jagan Nath.  
 Bagla, Lala Rameshwar Prasad.  
 Bhuput Sing, Mr.  
 Chandi Mal Gola, Bhagat.  
 Dutt, Mr. Amar Nath.  
 Gour, Sir Hari Singh.  
 Gunjal, Mr. N. R.  
 Hari Raj Swarup, Lala.  
 Isra, Chaudhri.  
 Jadhav, Mr. B. V.  
 Jog, Mr. S. G.  
 Lahiri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.  
 Liladhar Chaudhury, Seth.  
 Maswood Ahmad, Mr. M.  
 Misra, Mr. B. N.  
 Mitra, Mr. S. C.  
 Murtuza Saheb Bahadur. Maulvi  
 Sayyid.

Pandian, Mr. B. Rajaram.  
 Parma Nand, Bhai.  
 Phookun, Mr. T. R.  
 Puri, Mr. B. R.  
 Puri, Mr. Goswami M. R.  
 Ranga Iyer, Mr. C. S.  
 Rastogi, Mr. Badri Lal.  
 Reddi, Mr. P. G.  
 Reddi, Mr. T. N. Ramakrishna.  
 Sadiq Hasan, Shaikh.  
 Sarda, Diwan Bahadur Harbilas.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.  
 Singh, Kumar Gupteshwar Prasad  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Thampan, Mr. K. P.  
 Uppi Saheb Bahadur, Mr  
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till eleven of the Clock on Tuesday, the  
 2nd November, 1932.





\*APPENDIX.

*Translation of a speech delivered in Marathi by Mr. N. R. Gunjal, M.L.A.,  
on the 15th November, 1932.*

**Mr. N. R. Gunjal** (Bombay Central Division: Non-Muhammadan Rural): Sir, I support the motion for circulation of the Bill moved by my friend, Shaikh Sadiq Hasan. It seems to me that Government have, after a great exertion, brought forward this Bill with the object of harassing the people and their leaders.

So far, only the educated classes have ventilated their views on the Bill through the Press; but, since it has not been published in all the vernaculars of the land, the general masses are unable to form an adequate opinion on this wicked measure. It is, therefore, necessary to circulate the Bill for the purpose of eliciting public opinion thereon.

The late Honourable Mr. Gokhale had remarked that it was incumbent on Government to publish in all the vernaculars of the land any legislation that was likely to undermine the interests of the people; and that if Government ignored that duty, the representatives of the people at least, ought to be alive to it. The House should, therefore, pass Shaikh Sahib's amendment. Opposition of this amendment by Government would, to use the expression of the late Honourable Mr. Gokhale, be only indicative of their dishonesty of purpose.

While speaking on the Bill, the Honourable Mr. Haig has unnecessarily made strictures on the Congress and other national institutions. The Round Table Conference is still working, and it ill-becomes Government to get this anti-national measure passed post-haste at this juncture.

I hope the House will support the amendment moved by my Honourable friend, Shaikh Sadiq Hasan.

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\*Vide page 2111 of L. A. Debates, dated the 15th November, 1932.



# LEGISLATIVE ASSEMBLY.

*Tuesday, 22nd November, 1932.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## QUESTIONS AND ANSWERS.

### LOWERING OF THE STATUS OF THE KOTLA POST OFFICE IN THE KANGRA DISTRICT.

1362. **\*Mr. T. N. Ramakrishna Reddi** (on behalf of Mr. Jagan Nath Aggarwal): (a) Will Government kindly state if it is a fact that the telegraph branch of the Post Office at Kotla (Kangra District) was abolished some time last year?

(b) Is it also a fact that the sub-office at Kotla was converted into an Extra Departmental Sub-Office on October 10th, 1932?

(c) Are Government aware that the above steps taken by the Government have led to great inconvenience being felt by the public in general and pilgrims in particular?

(d) Has the attention of the Government been drawn to various letters which appeared in the press on the above subject, particularly the letters in the *Tribune*, dated the 18th of January, 1932, 24th February, 1932, and 17th June, 1932?

(e) Is it a fact that a proposal is under consideration to reduce the status of the Kotla Extra Departmental Sub-Office to that of an Extra Departmental Branch Office?

(f) Are Government aware that Kotla lies in the heart of the Grand Trunk Road running from Amritsar to Baijnath and that all passengers, pilgrims, and Chamba State people frequently avail themselves of this very Extra Departmental Sub-Office?

(g) Are Government prepared to give up the proposal of converting this Extra Departmental Sub-Office into an Extra Departmental Branch Office, should there be any such proposal afoot?

**Mr. T. Ryan:** Government have not seen the letters referred to in part (d), and have no information on the subject matter of the Honourable Member's question. The matter is one which is within the competence of the Head of the Postal Circle concerned to whom a copy of the question is being sent.

### ALLOWANCE FOR CASUAL ABSENCES OF THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1363. **\*Mr. D. K. Lahiri Chaudhury** (on behalf of Mr. S. C. Mitra): (a) Is it a fact that many men of the Government of India Press, New Delhi, were marked leave without allowance for their casual absences since the Fundamental Rules were introduced and that their absences were subsequently treated as leave with pay and payments were ordered by the Government of India?

(b) Is it not also a fact that the Manager has not yet made the payments? If so, why?

(c) Will Government be pleased to inform the House whether payments will be made at all and, if so, when?

**The Honourable Sir Frank Noyce:** (a) Leave taken in excess of the casual leave due was granted without pay to temporary men and these absences have not been subsequently treated as leave with pay. The Government of India have issued no orders authorising payment.

(b) and (c). Do not arise.

**PAYMENTS FOR INTERVAL PERIODS TO THE EMPLOYEES OF THE  
GOVERNMENT OF INDIA PRESS, NEW DELHI.**

1364. **\*Mr. D. K. Lahiri Chaudhury** (on behalf of Mr. S. C. Mitra): (a) Is it not a fact that previously payments were made to the employees of the Government of India Press, New Delhi, for the interval period when overtime work was done in the interest of Government work?

(b) Is it not also a fact that payments were stopped about three years ago and that the Controller of Printing assured the men that the matter had been referred to the Government of India?

(c) Will Government please say whether any orders were passed or not?

(d) If not, how long will they take to examine the matter and issue their orders to remove the discontentment of the men?

**The Honourable Sir Frank Noyce:** (a) Yes, except to pieceworkers recruited after the 1st November, 1952.

(b) Payment was stopped from the 1st July, 1952. In reply to a representation received in October last the Controller informed the men that the matter had been referred to the Government of India.

(c) and (d). Government are not prepared to revert to the previous practice.

**PAYMENTS TO THE INDUSTRIAL EMPLOYEES OF THE GOVERNMENT OF  
INDIA PRESS, NEW DELHI, FOR WORKING ON SUNDAYS AND  
HOLIDAYS.**

1365. **\*Mr. D. K. Lahiri Chaudhury** (on behalf of Mr. S. C. Mitra): (a) Are Government aware that the industrial employees of the Government of India Press, New Delhi, were allowed a day's pay *plus* 50 per cent. and a day's pay *plus* 25 per cent. for attendance on a Sunday and a holiday, respectively?

(b) Is it not a fact that many men had to attend office on two Sundays during February and March last, that payments for attendance on these days were not made under the prevailing system and that the matter was referred to the Government of India for interpretation of their orders on such payments?

(c) Are Government aware that the men are much inconvenienced on account of the delay in payments and that they requested the Manager to get the matter settled immediately?

(d) Are Government prepared to pass orders at an early date directing payments to be made as before or to revert to the old system of allowing

a day's leave in lieu of a Sunday or a holiday attendance as was done before?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b) The reply to the first part is in the affirmative. Payments were made to the men but were objected to by the audit authorities who referred the matter to the Government of India for a correct interpretation of their orders.

(c) No delay in payment took place. Certain employees made a representation and were informed that an interpretation of the orders must be awaited.

(d) Government cannot revert to a practice which was based on a misinterpretation of their orders. Compensation leave for those holidays which are additional to the weekly holiday was abolished in 1928 and Government are not prepared to re-introduce it, but they agree that compensatory holidays should be given for Sundays on every possible occasion.

**EXPENDING POWERS ACCRUING TO PROVINCES ACCORDING TO THE REPORT OF THE FINANCIAL RELATIONS COMMITTEE.**

1366. **\*Mr. D. K. Lahiri Chaudhury** (on behalf of Mr. B. N. Misra): Will Government be pleased to lay on the table:

- (a) a copy of an estimate of the expending power which will accrue to each Province according to paragraphs 16 and 17 of the Financial Relations Committee's Report;
- (b) the memorandum of the Madras Government with its estimates of the existing and proposed expenditure in putting forth its financial position as laid down in paragraphs 16 and 17 of the Meston Report or Award; and
- (c) whether the sum of about Rs. 8½ lakhs payable by the Government of Bihar and Orissa as interest on the capital outlay on the Orissa Canal System was taken into account in the ordinary estimates of income and expenditure of the Government of Bihar and Orissa as stated in paragraphs 16 and 17 referred to above?

**The Honourable Sir George Schuster:** (a) and (b). Government do not consider that any useful purpose would be served by having these papers, which are now 12 years out of date, reprinted, but if the Honourable Member has any particular points on which he desires information, I will endeavour to enlighten him.

(c) Yes.

**SAVING EFFECTED BY THE DISCONTINUANCE OF THE THROUGH ROGIE FROM LUCKNOW AND CAWNPORE TO BOMBAY AND VICE VERSA.**

1367. **\*Mr. J. Ramsay Scott:** (a) Will Government please supply the following details of traffic between Bombay and Lucknow and Cawnpore and between Lucknow and Cawnpore and Bombay:

- (i) the total weight of goods carried over the Great Indian Peninsula Railway; and
- (ii) the total value in rupees received by the railway for such freight?

(b) Will Government please state the saving accrued to the Great Indian Peninsula Railway through the discontinuing of the through bogie from Lucknow and Cawnpore to Bombay and *vice versa*?

(c) Are Government aware of the inconvenience caused by the discontinuance of the through service to some of its customers?

**Mr. P. R. Rau:** (a) Returns containing the information asked for are not at present maintained. If my Honourable friend will let me know for what purpose he requires this information, Government will consider whether special steps should be taken to collect it.

(b) From rough calculations which have been made, it appears that the saving probably amounts to not less than Rs. 100 a day.

(c) Government are aware that the discontinuance of the through service has caused inconvenience to certain passengers but the action taken by the Great Indian Peninsula Railway was, as already explained by me in reply to another question by my Honourable friend, taken as an economy measure, having regard to the traffic offering.

#### REVISION OF THE SCALES OF PAY OF THE GAZETTED AND NON-GAZETTE ESTABLISHMENTS UNDER THE GOVERNMENT OF INDIA.

1368. **\*Mr. D. K. Lahiri Chaudhury** (on behalf of Mr. S. G. Jog): Will Government be pleased to state:

- (a) whether Mr. Sloan, the Officer on Special Duty, has completed the report of revising the time-scales of pay of gazetted and non-gazetted establishments under the Government of India;
- (b) whether all the points raised in the Resolution of Mr. Muhammad Muazzam have been taken into consideration according to the assurance given by the Honourable the Finance Member;
- (c) whether the proposed time-scale of the non-gazetted establishments working under the Government of India is uniform;
- (d) the proposed time-scale of gazetted and non-gazetted establishments working in the following offices in the cities of Bombay and Karachi:—(1) Income-Tax (2) Accounts (3) Customs (4) Currency and (5) Mint; and
- (e) whether the new scale of pay is to be applied to the future entrants or to the present staff also?

**The Honourable Sir George Schuster:** (a) The work connected with the revision of pay scales is not yet completed.

(b) The assurances given by Sir Alan Parsons on the 7th September, 1932, are being implemented.

(c), (d) and (e). As the proposals have not yet been approved by Government I regret that their nature and the extent of their application cannot be revealed.

#### ISSUE OF DIRTY CURRENCY NOTES BY SOME CURRENCY AND TREASURY OFFICES.

1369. **\*Mr. D. K. Lahiri Chaudhury** (on behalf of Mr. S. G. Jog): (a) Will Government be pleased to state if they are aware that dirty currency notes with a number of writings are still issued by some Currency and Treasury Offices and thereby persons find it difficult to get such notes exchanged in the market?

(b) If so, are Government prepared to issue instructions to the authorities concerned to see that only the superfine notes be re-issued? If not, why not?

**The Honourable Sir George Schuster:** The attention of the Honourable Member is invited to the answer to question No. 267 by Mr. Lalchand Navalrai on the 15th September, 1932. The instructions contemplate only the re-issue of notes which are in perfectly good condition and which the acceptors can have no difficulty in exchanging, and Government have no information that these orders are not being followed. They therefore do not consider it necessary to issue any fresh instructions.

**ALLEGED CALLOUSNESS OF THE EAST INDIAN RAILWAY AUTHORITIES.**

**1370. \*Mr. D. K. Lahiri Chaudhury:** (a) Has the attention of Government been drawn to the correspondence published headed "Callousness of Railway Authorities" on page 12 of the newspaper *Liberty* of Calcutta, dated the 29th April, 1932?

(b) If so, have Government made any investigation into the matter of the alleged utter negligence and carelessness on the part of the East Indian Railway authorities?

(c) If not, are Government prepared to do so now and state as to how the injury was caused to the passenger, Mr. H. C. Bhattacharjee, when he was travelling by the 8-Down Express, which was running between Etawah and Cawnpore?

**Mr. P. R. Rau:** With your permission, Sir, I propose to reply to this and question No. 1371 together. Government have not seen the correspondence referred to but are endeavouring to obtain a copy of the newspaper in question. Information regarding this occurrence is being obtained from the Agent, East Indian Railway. I shall place a full reply on the table in due course.

**RENDERING OF FIRST AID TO INJURED PASSENGERS ON STATE RAILWAYS.**

†**1371. \*Mr. D. K. Lahiri Chaudhury:** (a) Is it a fact that there is an arrangement under which the guard of a passenger train is to keep all sorts of medicines and other accessories ready with him to render any help or first aid in case of any serious accident or bodily injury caused to a passenger when travelling by railway?

(b) If so, why did not the guard of the 8-Down Express or the platform officer of the Cawnpore Railway Station render any help to the injured passenger, Mr. Bhattacharjee, on the 29th April, 1932, on the Cawnpore platform but asked by wire the Railway doctor at Allahabad to attend to his injuries?

(c) Is it a fact that the Railway doctors at Allahabad and Mirzapore also did not render any help to the injured passenger and that the first aid was given only by the Railway doctor at Moghalsarai the next morning?

(d) Are Government prepared to see that efficient arrangements are made in all important stations on the East Indian Railway and other State-managed Railways for promptly rendering first aid to passengers who receive injuries from accident in course of travelling by trains on their lines?

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†For answer to this question, see answer to question No. 1370.



LATE COMMUNICATION OF GOVERNMENT ORDERS REGARDING THE  
ADJUSTMENT OF COMMUNAL INEQUALITIES IN THE POSTS AND  
TELEGRAPHS DEPARTMENT.

1372. \*Seth Haji Abdoola Haroon: (a) Is it a fact that the Government of India, Home Department, Memorandum No. F.-176/25-Est., was issued on the 5th January, 1925, and that the Director-General, Posts and Telegraphs, issued a general letter No. A. M.-576/12/27, on the 22nd November, 1927, communicating the principle of Government in adjusting communal inequalities?

(b) If the dates of issue of the orders referred to above are correct, will Government please state what made the Director-General to communicate the orders of the Home Department to his subordinates after a delay of about three years?

(c) Is it a fact that the Postmaster-General, United Provinces, issued a general letter communicating the above-mentioned Government order under No. Staff-B./X-194, dated the 18th October, 1930, i.e., after a lapse of another three years?

(d) Will Government please state how many years did the other Post masters-General take to communicate the Government orders referred to in part (a) above?

The Honourable Sir Frank Noyce: (a) The date of issue of the Home Department Memorandum referred to is 5th February, 1926, not 5th January, 1925, as stated by the Honourable Member. The reply to the second part of the question is in the affirmative.

(b) Does not arise. I may, however, explain that the Memorandum in question referred to measures to be adopted for securing the appointment of members of minority communities in the Government of India Secretariat and Attached Offices, and did not, therefore, apply to the Posts and Telegraphs Department generally. However, after some consideration it was decided in 1927, that the same procedure should be followed in clerical recruitment for all branches of the Posts and Telegraphs Department.

(c) No; the orders were first communicated by the Postmaster-General, United Provinces Circle, on the 24th January, 1928.

(d) Enquiries are being made and a reply will be placed on the table in due course.

NUMBER OF MUSLIMS AND NON-MUSLIMS IN CERTAIN OFFICES.

1373. \*Seth Haji Abdoola Haroon: Will Government please lay on the table a chart showing the number of Muslims and non-Muslims in the following cadres in the years 1925, 1927, 1929 and 1931:

1. Superior Telegraph Traffic Branch.
2. Superior Telegraph Engineering Branch.
3. Superior Wireless Branch.
4. Telegraph Masters.
5. Engineering Supervisors, General.
6. Engineering Supervisors, Telephone.
7. Electrical Supervisors?

8. Accountant-General, Deputy Accountant-General, and
9. Assistant Accountant-General.
10. Assistant Accounts Officers.
11. Telegraphists, General Service and Station, in each province.
12. Clerks, Class I, II and III, Munshis and Timekeepers in each province.

**The Honourable Sir Frank Noyce:** A statement as regards items 1-10 is laid on the table. As regards items 11-12, the information is not readily available and Government consider that its collection would involve an undue expenditure of time and labour.

*Statement.*

		1925.		1927.		1929.		1931.	
		Mus- lim.	Non- Mus- lim.	Mus- lim.	Non- Mus- lim.	Mus- lim.	Non- Mus- lim.	Mus- lim.	Non- Mus- lim.
1	Superior Traffic Branch, I Division . . .	..	14	..	14	..	14	..	14
	Superior Traffic Branch, II Division . . .	..	35	..	35	..	35	..	35
2	Superior Telegraph Engineering Branch . . .	..	55	..	49	..	55	1	52
	Assistant Engineer—General . . .	..	15	..	14	..	14	..	12
	Assistant Engineer—Telephone . . .	..	2	..	2	..	2	..	2
	Assistant Electrical Engineer . . .	..	4	..	4	..	4	..	3
3	Superior Wireless Branch . . .	..	7	..	7	..	7	..	7
	Assistant, Engineer, Wireless . . .	..	2	..	2	..	2	..	2
4	Telegraph Master . . .	3	350	6	317	9	317	9	309
5	Engineering Supervisors, General . . .	7	110	7	127	7	126	8	156
6	Engineering Supervisors, Phone . . .	2	34	2	44	2	46	3	54
7	Electrical Supervisors . . .	..	50	1	57	1	56	1	64
8	Accountant-General and Deputy Accountant-General . . .	..	6	..	6	..	6	..	6
9	Assistant Accountant-General . . .	..	2	..	2	..	3	..	3
10	Assistant Accounts Officer . . .	..	7	..	13	..	13	..	16

**RECRUITMENT OF MUSLIMS AS TELEGRAPHISTS, GENERAL SERVICE AND STATION SERVICE, IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.**

**1374. \*Seth Haji Abdoola Haroon:** Is it a fact that out of 21 vacancies of Telegraphists, General Service and Station Service in the Punjab and North-West Frontier Circle, only one has gone to the Muslims and the rest to non-Muslims during the last recruitment?

**The Honourable Sir Frank Noyce:** Recruitment of telegraphists is made mainly by an open competitive examination on an all India basis, but a proportion of vacancies is reserved for recruitment from men already in the Department. In the last recruitment out of 245 candidates who entered for the written examination, only 12 were Muslims, of whom only one passed the examination. By the assignment of grace marks however three more were also treated as if they had done so.

Of the candidates from the Punjab, 21 were appointed to the service including one Muslim.

As regards departmental appointments, out of ten taken from the Punjab, six were Muslims. I should add that it may unfortunately, owing to retrenchment, prove impossible to confirm all these ten men as telegraphists.

**NON-RECRUITMENT OF MUSLIM CLERKS IN THE CENTRAL TELEGRAPH OFFICE, NEW DELHI.**

**1375. \*Seth Haji Abdoola Haroon:** Is it a fact that not a single Muslim clerk has been recruited in the Central Telegraph Office, New Delhi, since 1927, whereas ten non-Muslims have been recruited?

**The Honourable Sir Frank Noyce:** No, only six clerks have been recruited and two of those have been Muslims.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to state if these Muslim clerks include Ikramuddin and Fakhru'l Hussain who are not in service and one of whom was employed only for about two months, after which he was dismissed and replaced by a Hindu clerk?

**The Honourable Sir Frank Noyce:** The Honourable Member can hardly expect me to be familiar with the names of the personnel of the department. I will make inquiries on the point he has mentioned.

**Mr. M. Maswood Ahmad:** Apart from those four Hindus mentioned by the Honourable Member, is it a fact that Messrs. H. D. Pant, Girdharilal, Madheram, L. D. Joshi, Devi Parshad and Time Keeper, Mr. Sohanlal, were recruited after 1927 and were appointed by the Post Master General for Delhi-Simla Offices which constitute practically one office?

**The Honourable Sir Frank Noyce:** I have said that six clerks have been recruited and that two of those have been Muslims.

**Mr. M. Maswood Ahmad:** I am giving six Hindu names to the Honourable Member.

**The Honourable Sir Frank Noyce:** I presume that my information is correct. I do not know from what source the Honourable Member obtained his, but I shall be very glad to go into the matter and see which of us is correct.

**Mr. M. Maswood Ahmad:** I hope the Honourable Member will lay on the table the result of his enquiry for our information.

**NON-RECRUITMENT OF MUSLIM CLERKS IN THE OFFICE OF THE DIVISIONAL ENGINEER, TELEGRAPHS, NEW DELHI.**

**1376. \*Seth Haji Abdoola Haroon:** (a) Is it a fact that since 1923 not a single Muslim clerk has been appointed in the office of the Divisional Engineer, Telegraphs, at New Delhi, whereas several non-Muslims have been taken in?

(b) Will Government please place a chart on the table showing the number of Muslims and non-Muslims recruited after 1925 in the different offices of Divisional Engineers, Telegraphs, in each province?

**The Honourable Sir Frank Noyce:** (a) No. Since the 1st January, 1923, one permanent and four temporary Muslim clerks have been appointed. In one case a Muslim clerk to whom an appointment was offered did not take it up, and in another out of 50 applicants for a post, none was a Muslim.

(b) Information has been called for and will be placed on the table in due course.

**RECRUITMENTS IN THE TELEGRAPH DEPARTMENT.**

**1377. \*Seth Haji Abdoola Haroon:** (a) Will Government state whether the recruitment made in the Telegraph Department was in accordance with orders contained in the Home Department Memorandum No. F.-176/25-Est., dated the 5th January, 1932?

(b) If not, have Government taken any action against the recruiting officers evading these orders or are Government going to take any action now?

**The Honourable Sir Frank Noyce:** (a) I have been unable to trace any Home Department memorandum of the number and date quoted by the Honourable Member.

(b) Does not therefore arise.

**ANGLO-INDIAN INSTITUTIONS AUTHORIZED TO SEND TRAINED MEN FOR APPOINTMENT AS GENERAL SERVICE TELEGRAPHISTS.**

**1378. \*Seth Haji Abdoola Haroon:** (a) Will Government please state the names of the Anglo-Indian institutions that are authorised to send trained men for appointment as General Service Telegraphists?

(b) Has any Hindu, Muslim or Sikh ever been recruited from any of these institutions?

(c) If not, why not?

(d) Is there any such Indian institution?

**The Honourable Sir Frank Noyce:** With your permission, Sir, I propose to deal with questions Nos. 1378 and 1379 together.

As regards part (a) of these questions, the system of recruitment of telegraphists through certain approved educational institutions was discontinued in 1929. The remaining parts of the questions do not therefore arise.

INDIAN INSTITUTIONS AUTHORIZED TO SEND TRAINED MEN FOR  
APPOINTMENT AS STATION SCALE TELEGRAPHISTS.

†1379. **\*Seth Haji Abdoola Haroon:** (a) Will Government please state the names of the Indian institutions that are authorised to send trained men for appointment as Station Scale Telegraphists?

(b) Has any Muslim ever been recruited as a telegraphist through any of these institutions?

(c) If not, are Government prepared to extend this privilege to the Government schools instead of private and Government-aided schools?

NON-APPOINTMENT OF A MUSLIM ASSISTANT TO DEAL WITH ASSEMBLY  
INTERPELLATIONS IN THE OFFICE OF THE DIRECTOR GENERAL,  
POSTS AND TELEGRAPHS.

1380. **\*Seth Haji Abdoola Haroon:** (a) Is it a fact that in the office of the Director General, Posts and Telegraphs, the assistant, who is entrusted with the work in connection with Assembly interpellations, gets an honorarium during the Delhi Session and travelling allowance and daily allowance during the Simla Session of the Legislative Assembly?

(b) Has this work been ever entrusted to a Muslim Assistant?

(c) If the reply to part (b) be in the negative, will Government be pleased to state the reason?

**The Honourable Sir Frank Noyce:** (a) Clerical work in connection with Assembly interpellations is done by many assistants, in respect of one of whom, whose work in that respect is specially heavy, the fact is as stated.

(b) No. Muslim Assistant has so far been in charge of the special work mentioned in the reply to part (a).

(c) Communal considerations are not ordinarily taken into account in arranging the distribution of work in an office.

COMMUNAL REPRESENTATION CASES IN THE OFFICE OF THE DIRECTOR  
GENERAL, POSTS AND TELEGRAPHS.

1381. **\*Seth Haji Abdoola Haroon:** (a) Is it a fact that in the office of the Director-General, Posts and Telegraphs, cases about communal representation are dealt with by a Hindu clerk and that the Superintendent of the Section in which such cases are dealt with is also a Hindu?

(b) Do Government propose to consider the desirability of having communal representation cases dealt with by a Muslim clerk?

**The Honourable Sir Frank Noyce:** (a) While it is a fact that the Superintendents of the sections concerned with such cases are Hindus, it is not a fact that all such cases are dealt with by a Hindu clerk. They are handled by various clerks of the sections concerned some of whom are

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†For answer to this question, see answer to question No. 1378.

Muslims. Such matters are not, in any event, disposed of either by clerks or Superintendents but by the Gazetted staff of the Directorate, and I may mention that the Gazetted Officer in charge of the branch which deals with most of them happens to be a Muslim. Final orders in connexion with such matters are generally passed by the Director General himself or by another European officer. I must not however be understood as accepting the Honourable Member's implication that in any case officers of one community can not be trusted to deal quite fairly with matters affecting other communities. That I am glad to have this opportunity of saying is not borne out by my experience of the office of the Director General, Posts and Telegraphs. (Applause.)

(b) No. The Honourable Member's attention is invited to the reply given in this House by the Honourable Sir James Crerar on the 16th September, 1931, to Mr. Muhammad Anwar-ul-Azim's starred question No. 340.

FILLING UP OF VACANCIES IN THE OFFICE OF THE DIRECTOR GENERAL,  
POSTS AND TELEGRAPHS.

1382. \*Seth Haji Abdoola Haroon: (a) Is it a fact that in the office of the Director General, Posts and Telegraphs, old officials with more or less 25 years' service whose volunteership for retirement was accepted by Government were re-appointed in the same office?

(b) Will Government be pleased to state the exact reason for re-employing these volunteers?

(c) Has the attention of Government been drawn to the letter published on page 8 of the *Postal Advocate* of August 1932, under the heading "Vacancies in Director-General's Office how filled in"?

(d) If so, what action has been taken in the matter?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Government adopted the policy of re-employing, in lower paid posts which had to be filled, retrenched officials in order to mitigate hardship to men who were considered suitable for re-employment and were discharged as a measure of economy before attaining the age of superannuation.

(c) Government have seen the letter in question.

(d) None, as in view of the policy mentioned in the reply to part (b), none appeared called for.

FILLING UP OF VACANCIES IN THE OFFICE OF THE DIRECTOR GENERAL,  
POSTS AND TELEGRAPHS.

1383. \*Seth Haji Abdoola Haroon: (a) Will Government be pleased to state how many vacancies in the clerical cadre have been filled up in the office of the Director General, Posts and Telegraphs, since April 1932?

(b) How many of these vacancies have been given to Muslims?

(c) How many vacancies are still remaining to be filled up?

The Honourable Sir Frank Noyce: (a) Twenty.

(b) Three. Offers of employment were made by the Public Service Commission to two more Muslims, one of whom refused to accept and the other resigned after working for three days only.

(c) Three.

**ALLEGED PARTIALITY IN THE ALLOTMENT OF QUARTERS TO THE ASSISTANTS AND CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.**

**1384. \*Seth Haji Abdoola Haroon:** (a) Are Government aware that a good deal of partiality exists in the allotment of departmental quarters to the assistants and clerks in the office of the Director-General, Posts and Telegraphs?

(b) Are Government aware that some applications from Muslim clerks establishing priority of claim for the allotment of quarters are neither referred to the members of the board for the allotment of departmental quarters, nor submitted to the Deputy Director General for orders, but are conveniently disposed of by the Chief Superintendent himself?

(c) Are Government prepared to issue orders to the effect that all applications for departmental quarters must either be referred to the members of the board for the allotment of departmental quarters or submitted to the Deputy Director-General for final orders?

(d) Will Government kindly state what principle is followed in ascertaining priority of claims in the allotment of departmental quarters?

**Mr. T. Ryan:** (a) No.

(b) No, all applications for quarters are disposed of by a board consisting of officials of the Director General's Office presided over by a gazetted officer.

(c) In view of the replies to parts (a) and (b) of this question, Government see no reason to depart from the existing procedure.

(d) Priority of claim is decided according to the provisions in the 'Rules governing the allotment and conditions of occupation of Government residences and quarters in Delhi', a copy of which has been placed in the Library of the House.

**BURGLARY IN THE DILKUSHA AND ARAMBAGH SQUARES IN NEW DELHI.**

**1385. \*Mr. M. Maswood Ahmad:** (a) Has the attention of Government been drawn to an article on page 7 of the *Hindustan Times*, dated the 1st November, 1932, headed "Burglars Pose as Policemen—Diwali Night Sensation in New Delhi"? If so, will they be pleased to state whether:

(i) the quarters in Dilkusha and Arambagh Squares are situated in an out-of-the-way place and are often frequented by thieves; and

(ii) the police patrols do not visit these places during the night?

(b) Do Government realise their responsibility in the matter of protecting the lives and property of their employees who are allotted these quarters which are very far from the inhabited areas? If so, what steps have they taken to prevent such occurrences in the future?

(c) Is it a fact that the residents of these quarters submitted petitions in this connection to the Superintendent of Police, Delhi, and the Estate Officer? If so, what action has so far been taken on these petitions? If no action has yet been taken, what is the reason for the delay?

(d) Are Government prepared to issue immediate instructions to the local authorities for sending out regular police patrols during the night to these places and to bind down suspected persons living near or about these quarters?

**The Honourable Mr. H. G. Haig:** I have seen the article to which the Honourable Member refers and have asked the local authorities for a report as to facts on receipt of which I will lay a statement on the table. I understand however that no petition of the nature referred to in part (c) of the question was made to the Estate Officer by the residents of the locality.

**Mr. M. Maswood Ahmad:** Will Government kindly inquire from the Estate Officer whether he has received any petition from these clerks?

**The Honourable Mr. H. G. Haig:** I have just informed the House that we have inquired from the Estate Officer and he has received no petition.

**REFUSAL BY THE THIRD PRESIDENCY MAGISTRATE, EGMORE, TO EXAMINE  
MR. SUBHAS CHANDRA BOSE IN HIS COURT.**

1936. \***Pandit Satyendra Nath Sen:** (a) Are Government aware that in the beginning of September, 1932, the Third Presidency Magistrate refused to examine in his Court at Egmore, Mr. Subhas Chandra Bose, the State Prisoner in the Penitentiary, as a defence witness in the case against Mr. Shanker?

(b) If the answer to the above be in the affirmative, will Government please state under what authority the Magistrate refused such examinations? If the Magistrate acted under Government orders, will Government state under what law they issued such orders?

(c) Is it not a fact that in the course of the debates on the Bengal Detenu Transfer Bill in the Legislative Assembly, the Home Member of the Government of India assured the Assembly that whenever any State Prisoner or detenu would be required to be produced in a Court of law for the purpose of evidence, he would be permitted to be examined?

(d) If so, why was the permission refused in the case of Mr. Subhas Chandra Bose who was then in the Penitentiary, Madras?

(e) Is it also a fact that the said Magistrate held his Court inside the Penitentiary in September, 1932, for the purpose of examining Mr. Bose, but did not allow the public and the press to be present?

(f) Is it a fact that when asked by the accused the Magistrate said that the trial was a public one?

(g) Will Government be pleased to state why the public and the press were not allowed and, under what law, the Magistrate excluded them?

**The Honourable Mr. H. G. Haig:** (a) and (b). The Third Presidency Magistrate refused to examine Mr. Bose in his Court at Egmore as in accordance with Rule 20 of the Criminal Rules of Practice issued by the Madras High Court, the evidence of State Prisoners should be recorded in jail, unless the Local Government sanction transfer to the Court. The Government of Madras did not give sanction, as no adequate reasons were advanced.



(c) and (d). The Honourable Member is no doubt referring to the undertaking given on behalf of Government by the Honourable the Law Member during the debate on the Bengal Criminal Law Amendment (Supplementary) Bill, 1932, that where any High Court desired the presence of a detenu as a witness in any trial before it, the detenu would be produced. The point does not arise in this case as no application requiring the presence of the State Prisoner as a witness was received from any Court.

(e), (f) and (g). The Magistrate held his Court in the jail to take the State Prisoner's evidence and excluded the public and press in exercise of the discretion vested in him by section 352 of the Criminal Procedure Code.

#### RECOVERY OF INDIAN INCOME-TAX ON PENSIONS PAID OUTSIDE INDIA.

1387. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the territorial limitations imposed on the powers of the Indian Legislature by section 65 of the Government of India Act render it impossible for the Indian Legislature to make effective provision for the recovery of Indian income-tax on pensions paid to persons resident outside India?

(b) Do Government propose to draw the attention of the Indian delegates to the Round Table Conference and of the British Government to the defect in the present Government of India Act mentioned in part (a)?

**The Honourable Sir George Schuster:** (a) That is the view of the legal position held by the Government of India.

(b) The Government of India do not propose to take the action suggested.

#### TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.

1388. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of.

- (i) the quantity and value of (1) Wheat in grain (2) Rice, husked including cargo rice and cleaned rice whole, but not including broken rice (3) Castor oil, linseed oil, cocoanut oil, ground-nut oil, rape oil, and sesamum oil (4) Magnesium Chloride (5) Linseed (6) Coffee (7) Tea (8) Coir yarn (9) Coir mats and matting (10) Cotton yarns, unbleached, up to No. 40 Count (11) Cotton manufactures (12) Leather undressed-hides other than sole leather (13) Leather undressed-skins (14) Jute manufactures (15) Oil seed cake and meal (16) Paraffin wax (17) Spices (18) Teak and other hardwoods, whether hewn or sawn, in so far as now subject to duty (19) Woollen carpets and rugs (20) Barn and pollard (21) Rice meal and dust (22) Tobacco (23) Castor seed (24) Magnesite (25) Sandalwood oil (26) Granite seats and curbs (27) Ground-nuts (28) Lead (29) Shellac, seed lac and stick lac (30) Jute, raw (31) Myrabolams (32) Rice, broken (33) Mica slabs and splittings (34) Crotalaria juncea and any other varieties of Indian hemp that can be distinguished (each article separately); exported from Indian ports in the last five years (each year separately);

(ii) the quantity and value of the articles mentioned in part (i) (each article separately) exported from Indian ports to the ports in the United Kingdom in the last five years (each year separately); and

(iii) the total quantity and value of the articles mentioned in part (i) (each article separately) imported into the ports in the United Kingdom (each year separately)?

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of the articles mentioned in part (i) (each article separately) (1) exported from Indian ports (2) exported from Indian ports to the ports in the United Kingdom and (3) imported in the ports in the United Kingdom?

(c) Will Government be pleased to state the reasons for excluding the sole leather from Schedule (c) under Article 4 of the Agreement?

**The Honourable Sir Joseph Bhoré:** With your permission, Sir, I propose to answer questions Nos. 1388 to 1396 together. The reply to parts (a) of each of these questions is, as regards the great majority of the items named, in the affirmative. As regards parts (b), generally all the information required is available in the Annual Statements of the Sea-borne Trade of British India, the Annual Statements of the Trade of the United Kingdom with Foreign and British Countries and the Trade Accounts of Ceylon and British Malaya. Statistics supplied to the Indian Delegation were not prepared in the form indicated in the Honourable Member's question. The mere extraction and compilation of these statistics in the form in which he has asked for them would require a very large amount of labour and expenditure of time. In view particularly of the fact that my Department has had very heavy calls made upon it in connection with the supply of statistical information to the Committee of this House which is examining the Trade Agreement, the special compilation of the voluminous statistics asked for by the Honourable Member could not have been undertaken at the present time without the employment of additional staff. I would, however, mention that copies of the Annual Statements of the Sea-borne Trade of British India are in the Library of the Legislature and, if desired by the Honourable Member, I shall arrange for the supply of copies of the other Trade Accounts which I have mentioned.

*Parts (c) of questions Nos. 1388 and 1389.* There are no imports of "Sole leather" as such into the United Kingdom from India and no exports of "Lead Sheets" from India.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to give the information asked in those parts of these questions which deal with the Sea-borne Trade of the United Kingdom? Further, will the Honourable Member realise what is difficult for Government can not be easy for us?

**The Honourable Sir Joseph Bhoré:** Yes, it will be found there, and if any further information is necessary on that point, my Honourable friend may rely upon my helping him to obtain it.

**Mr. M. Maswood Ahmad:** May I take it that the Honourable Member will send this information to us?

**The Honourable Sir Joseph Bhore:** I said that the information is already there, and if there is any information which he cannot obtain from there, and if he will apply to me, I shall then try and assist him as much as I can.

**Mr. M. Maswood Ahmad:** May I inform the Honourable Member that the information which I want is not available in the Library?

**The Honourable Sir Joseph Bhore:** I think I have explained the matter quite clearly. I say that most of the information is available in the Annual Statements of the Sea-borne Trade of British India, and if the Honourable Member desires, I shall supply copies of the other trade returns I have referred to.

**Dr. Ziauddin Ahmad:** Will the Honourable Member be pleased to supply the two Statements together, I mean the Annual Statement of the Sea-borne Trade of British India and the Annual Statement of the Trade of the United Kingdom?

**The Honourable Sir Joseph Bhore:** I shall be only too happy to do so.

#### TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.

†1989. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of:

(i) the quantity and value of (1) Cotton piece-goods (2) Cotton yarn (3) Fresh fruits and vegetables (4) Dried, salted and preserved fruits and vegetables (5) Big lead (but not lead sheets, tea lead or foil) (6) Iron and Steel (7) Teak and other hardwoods (8) Perfumery (9) Coriander seed (10) Beans (11) Apparel (12) Boots and shoes (13) Woollen carpets and rugs (14) Tea (15) Coffee, raw, roasted or ground (16) Tobacco manufactures (each article separately) exported from Indian ports in the last five years (each year separately);

(ii) the quantity and value of the articles mentioned in part (i) (each article separately) exported from Indian ports to the ports in Ceylon in the last five years (each year separately);

(iii) the total quantity and value of the articles mentioned in part (i) (each article separately) imported into the ports in Ceylon in last five years (each year separately)?

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of articles mentioned in part (i) (each article separately) (1) exported from Indian ports (2) exported from Indian ports to the ports in Ceylon and (3) imported into the ports in Ceylon?

(c) Will Government be pleased to state the reasons for excluding the lead sheets from the Schedule E, under article 9. of the agreement?

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†For answer to this question, see answer to question No. 1398.

**TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.**

†1390. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of:

- (i) the quantity and value of the (1) Tanned hides and skins (2) Brass, bronze, brassware and bronzeware (3) Copper and copperware (4) Paraffin wax (5) Perfumery (6) Ground-nuts (7) Cotton piece-goods (8) Fishmaws and sharkfins (9) Ground-nut oil (kachang oil) (10) Gingelly oil (each article separately) exported from Indian ports in the last five years (each year separately);
- (ii) the quantity and value of the articles mentioned in part (i) (each article separately) exported from Indian ports to the ports in British Malaya in the last five years (each year separately); and
- (iii) the total quantity and value of the articles mentioned in part (i) (each article separately) imported in the ports in British Malaya in the last five years (each year separately)?

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of articles mentioned in part (i) (each article separately) (1) exported from Indian ports (2) exported from Indian ports to the ports in British Malaya and (3) imported into the ports in British Malaya?

**TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.**

†1391. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of:

- (i) the quantity and value of (1) articles free of duty under Part I of Schedule II of the Indian Tariff Act (2) articles dutiable under the following entries in Part II of Schedule II of the Indian Tariff Act:—27A, 29, 43A, 43B, 45B, (3) Articles dutiable under Part III of Schedule II of the Indian Tariff Act (4) Articles dutiable under Part IV of Schedule II of the Indian Tariff Act, excepting entries numbers 60, 61 and 62 (5) Articles which are liable to protective duty at special rates under Part VII of Schedule II of the Indian Tariff Act (each article separately) imported into Indian ports in the last five years (each year separately);
- (ii) the quantity and value of the articles mentioned in part (i) (each article separately) imported into Indian ports from the ports in the United Kingdom in the last five years (each year separately);
- (iii) the total quantity and value of the articles mentioned in part (i) (each article separately) exported from the ports in the United Kingdom in the last five years (each year separately)?

†For answer to this question, see answer to question No. 1388.

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of the articles mentioned in part (i) (each article separately) (1) imported into Indian ports (2) imported into Indian ports from the ports in the United Kingdom and (3) exported from the ports in the United Kingdom?

TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.

†1392. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of:

- (i) the quantity and value of the articles (1) Apparel (including drapery, uniforms, accoutrements), (2) Apparel—caps, bonnets and hatters' ware, (3) Apparel—secondhand clothing, (4) Filled cartridge cases, (5) Empty cartridge cases, (6) Firearms, (7) Asbestos manufactures, (8) Boots and Shoes of leather, Brushes and Brooms, (9) Brushes (paint and varnish), (10) Toilet brushes, (11) Brushes (other than toilet and paint and varnish), (12) Firebricks, (13) Cement, Portland, (14) Cement, other than Portland, (15) Tiles, other than glass tiles, (16) Other kinds (except asphalt, bricks, chalk, lime and clay), (17) Buttons, metal (18) Tartaric acid, (19) Other acids (except acetic, carbolic, oxalic and tartaric), (20) Anhydrous ammonia, (21) Other ammonia and salts thereof, (22) Disinfectants other than naphthalene, (23) Bichromate of potassium, (24) Potassium compounds, other sorts (except chlorate and cyanide), (25) Bichromate of soda, (26) Cyanide of sodium, (27) Caustic soda, (28) Sodium carbonate (soda ash and soda crystals), (29) Soda compounds, other (except bicarbonate, borax and sodium silicate), (30) Other sorts of chemicals (except those indicated above as separately distinguished and except alum, arsenic, calcium carbide, glycerine, lead compounds, ferrous sulphate, magnesium compounds, sulphur and zinc compounds), (31) Cocoa and Chocolate, (32) Confectionery, (33) Cordage and Rope of Vegetable Fibre (excluding jute and cotton), (34) Cork Manufactures, (35) Cutlery (except pruning knives), (36) Proprietary and patent medicines, (37) Other sorts (except aloes, asafoetida, camphor, cocaine morphia), (38) Earthenware, except pipes and sanitary ware, (39) Porcelain, electrical, (40) Porcelain, other kinds, (41) Bedsteads, (42) Wooden furniture other than bedsteads, (43) Furniture of other materials, except bedsteads, (44) Glue, (45) Builders hardware such as locks, hinges, door bolts, etc., (46) Domestic, other than enamelled iron-ware, (47) Enamelled iron-ware, (48) Gas mantles, (49) Implements and tools other than agricultural implements and machine tools (each article separately) imported into Indian ports in the last five years (each year separately);
- (ii) the quantity and value of the articles mentioned in part (i) (each article separately) imported into Indian ports from the ports in the United Kingdom in the last five years (each year separately); and

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†For answer to this question, see answer to question No. 1388.

(iii) the total quantity and value of the articles mentioned in part (i) (each article separately) exported from the ports in the United Kingdom in the last five years (each year separately)?

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of the articles mentioned in part (i) (each article separately) (1) imported into Indian ports, (2) imported into Indian ports from the ports in the United Kingdom, and (3) exported from the ports in the United Kingdom?

**TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.**

†1993. \***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of:

(i) the quantity and value of the articles (1) Lamps, metal, (2) Parts of lamps, other than glass, (3) Safes and strong boxes of metal, (4) Stoves, (5) Other sorts (except agricultural implements, buckets of tinned or galvanised iron, lamps of glass), (6) Electric fans and parts thereof, (7) Electric wires and cables, (8) Standard lighting lamps, (9) Batteries, (10) Accumulators (including parts) in so far as they are subject to duty under No. 42A of Schedule II of the Indian Tariff Act, (11) Accumulators (including parts) in so far as they are subject to duty under 42A of Schedule II of the Indian Tariff Act, (12) Electric lighting accessories and fittings (including switches), (13) Meters (other than telegraphic and telephonic), (14) Other electrical instruments (other than telegraphic and telephonic), except meters, (15) Electro-medical apparatus (including X-ray), (16) Other electrical goods and apparatus (except electric wires and cables, telegraph and telephone instruments and apparatus, flash light, part and accessories of electric lamps, carbons, condensers, bell apparatus and switch boards), (17) Pianos and piano players, complete, (18) Talking machines and accessories (except records), (19) Other musical instruments and parts (except organs and harmoniums complete, and talking machines and records), (20) Cinematograph films, raw, *i.e.*, blank films on which no picture has been impressed. (21) Photographic, other than above enumerated and exposed cinematograph films, (22) Photographic plates and papers, (23) Scientific and philosophical, (24) Surgical, (25) Wireless apparatus in so far as it is dutiable under No. 43 of Schedule II of the Indian Tariff Act, (26) Other instruments, etc., not indicated above as separately distinguished in the Trade Returns (except optical), including domestic refrigerators, (27) Skins, tanned or dressed, (28) Unwrought, (29) Leather cloth (including artificial leather), (30) Other manufactures of leather (except pickers, roller skins, saddlery and harness

†For answer to this question. see answer to question No. 1388.

and bags and trunks), (31) Ale and beer in bottle, (32) Ale and beer in other containers including barrels, (33) Spirit present in drugs, medicines or chemicals, (34) Spirit, perfumed, (35) Machinery and Millwork, all sorts subject to duty under No. 96 of the Indian Tariff Act, including sewing and knitting machines and parts thereof, and typewriters and parts thereof (each article separately) imported into Indian ports in the last five years (each year separately);

(ii) the quantity and value of the articles mentioned in part (i) (each article separately) imported into Indian ports from the ports in the United Kingdom in the last five years (each year separately); and

(iii) the total quantity and value of the articles mentioned in part (i) (each article separately) exported from the ports in the United Kingdom in the last five years (each year separately)?

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of the articles mentioned in part (i) (each article separately) (1) imported into Indian ports, (2) imported into Indian ports from the ports in the United Kingdom, and (3) exported from the ports in the United Kingdom?

#### TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.

† 1394. \***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of:

- (i) the quantity and value of the articles (1) Aluminium circles, (2) Aluminium sheets, (3) Other aluminium manufactures (except unwrought ingots, blocks, bars, etc.), (4) Wrought mixed or yellow metal for sheathing (Brass, bronze and similar alloys and manufactures thereof), (5) Wrought: Rods (Brass, bronze and similar alloys and manufactures thereof), (6) Wrought: Sheets, (7) Wrought: Tubes, (8) Wrought: Wire, (9) Wrought: Other sorts, (10) Wrought: Rods, (11) Wrought: Sheets, (12) Wrought: Tubes, (13) Wrought: Wire, excluding telegraph and telephone, (14) Other copper manufactures (except braziers), (15) German silver (including nickel silver), (16) Iron and steel, all sorts, which are subject to duty under Nos. 60, 61, 62 and 97 of Schedule II of the Indian Tariff Act, (17) Pipes and tubes, (18) Sheets (other than sheets for tea chests), (19) Wrought or manufactured (Zinc or spelter), (20) Fish oil, (21) Essential—synthetic, (22) Natural essential oils (except almond, bergamot, kajuputti, camphor, cloves, eucalyptus, lavender, lemon, otto rose and peppermint), (23) Lubricating (mineral) other than batching, (24) mineral, paints, solutions and composition, dangerous, flashing below 76°F., (25) Vegetable non-essential oils (except cocoanut, groundnut and linseed), (26) oil-cloth and floor-cloth, (27) packing: engine and boiler

†For answer to this question, see answer to question No. 1388.

of all kinds (excluding asbestos), (28) Blue paint or Paris blue, (29) Enamels, prepared, (30) Red lead, genuine dry, (31) White lead, genuine dry, (32) Zinc white, genuine dry, (33) Other sorts (except barytes, graphite reduced dry red lead and white lead, moist white lead, reduced dry zinc white and moist zinc white), (34) Goods, other than turpentine and turpentine substitute and varnish (Other than Paints and Colours), (35) Packing paper, (36) Printing paper, except newsprint, (37) Writing paper in large sheets, (38) Envelopes imported separately, (39) Other kinds of paper (except "Note and letter paper and envelopes" and old newspaper in bales and bags), (40) Paper manufactures, (41) Other than starboards (Pasteboard, millboard and cardboard of all kinds), (each articles separately) imported into Indian ports in the last five years (each year separately);

(ii) the quantity and value of the articles mentioned in part (i) (each article separately) imported into Indian ports from the ports in the United Kingdom in the last five years (each year separately); and

(iii) the total quantity and value of the articles mentioned in part (i) (each article separately) exported from the ports in the United Kingdom in the last five years (each year separately)?

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of the articles mentioned in part (i) (each article separately), (1) imported into Indian ports, (2) imported into Indian ports from the ports in the United Kingdom, and (3) exported from the ports in the United Kingdom?

#### TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.

†1395. \*Mr. M. Maswood Ahmad: (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of:

(i) the quantity and value of the articles (1) Manufactures of pasteboard, millboard and cardboard, (2) Canned or bottled fruits, (3) Tinned or canned fish, (4) Other canned and bottled provisions n. e. s. (except vegetable products—vegetable ghi and fat, etc.), (5) Milk, condensed and preserved including milk cream, (6) Pneumatic motor covers, (7) Pneumatic motor tubes, (8) Pneumatic motor cycle covers, (9) Pneumatic cycle covers, (10) Pneumatic cycle tubes, (11) Solid rubber tyres for motor vehicles, (12) Other manufactures except apparel, boots and shoes (and except pneumatic motor cycle tubes), (13) smokers' requisites (excluding tobacco), (14) soap: toilet, (15) Stationery (excluding paper), pencils (excluding slate pencils), (16) Other sorts, (17) Lace and embroidery, (18) Other sorts (except towels not in the piece), (19) Worsted yarn for weaving, (20) Knitting wool, (21) Carpets and floor rugs, (22) Hosiery, (23) Piece-goods, (24)

†For answer to this question, see answer to question No. 1388.



Shawls, (25) Other sorts (except blankets and rugs), (26) Toilet requisites not specified elsewhere in the Trade returns, (27) Toys (requisites for games and sports excluding fire-arms, etc.), (28) Playing cards, (29) Other, (30) Umbrellas, and umbrella fittings, (31) Carriages and carts not mechanically propelled (excluding railway carriages, trucks, etc.), (32) Parts of carriages and carts (excluding rubber tyres), (33) Cycles (other than motor cycles) imported entire or in sections, (34) Parts of cycles and accessories (other than of motor cycles) (excluding rubber tyres), (35) Motor cars (including taxi-cabs), (36) Motor omnibuses, (37) Chassis of Motor omnibuses, motor vans and motor lorries, (38) Parts of mechanically propelled vehicles and accessories other than of aircraft (excluding rubber tyres), (39) Canvas, cotton, (40) Shawls, in the piece, cotton, (41) Lace and patent net, cotton, (42) Fents, cotton, nine yards long or less, (43) Other sorts of cotton manufactures (excluding twist and yarn, piece-goods, thread for sewing, blankets, handkerchiefs in the piece, hosiery, rope and towels in the piece), (44) Lace and embroidery, (45) Other sorts of haberdashery and millinery, (46) Silk manufactures, excluding yarn, noils and warps, piece-goods and thread for sewing, (47) Goods of silk mixed with other materials, excluding twist and yarn, piece-goods and thread for sewing, (48) artificial silk manufactures, excluding yarn, piece-goods and thread for sewing, (49) Goods of artificial silk mixed with other materials, excluding twist and yarn piece-goods and thread for sewing (each article separately) imported into Indian ports in the last five years (each year separately);

(ii) the quantity and value of the articles mentioned in part (i) (each article separately) imported into Indian ports from the ports in the United Kingdom in the last five years (each year separately); and

(iii) the total quantity and value of the articles mentioned in part (i) (each article separately) exported from the ports in the United Kingdom in the last five years (each year separately)?

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of the articles mentioned in part (i) (each article separately), (1) imported into Indian ports, (2) imported into Indian ports from the ports in the United Kingdom, and (3) exported from the ports in the United Kingdom?

#### TRADE AGREEMENT AT OTTAWA IN RESPECT OF THE EXPORT AND IMPORT OF CERTAIN ARTICLES.

†1396.\***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether, while reaching the Agreement at Ottawa between His Majesty's Government in the United Kingdom and the Government of India, they were aware of:

(i) the quantity and value of the articles (1) Asphalt, (2) Beeswax, (3) Soda ash, including calcined, natural soda and manufactured sesqui-carbonates, (4) Gum Arabic, (5) Gum benjamin,

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†For answer to this question, see answer to question No. 1388.

- ras and cowrie, (6) Gum dammer, (7) Dammer batuh, unrefined, (8) Rosin, (9) Cutch, (10) Gambier, all sorts, (11) Citronella oil, (12) Cinnamon oil, (13) Cinnamon leaf oil, (14) Coconuts, husked, unhusked and other kinds, copra or coconut kernal, coconut oil, coir fibre, coir yarn, coir mats and matting, (15) Fish, dry unsalted, (16) Fish, dry salted, (17) Fish, canned, (18) Fresh vegetables, (19) Vegetables, dried, salted or preserved, (20) Fruit and vegetables, canned and bottled, (21) Fruit juices, (22) Sisal and alce fibre, (23) Ivory, unmanufactured, (24) Oil seeds (other than essential), (25) Plumbago, (26) Sago and tapioca (but not sago flour), (27) Vanilla beans, (28) Fresh fruits (other than coconuts), (29) Dried, salted or preserved fruits, (30) Betelnuts, (31) Unground spices, (32) Bitters, (33) Coffee, (34) Rum, (35) Tea, (36) Unmanufactured tobacco (each article separately) imported into Indian ports in last five years (each year separately);
- (ii) the quantity and value of the articles mentioned in part (i) (each article separately) imported into Indian ports from the ports in the United Kingdom in the last five years (each year separately); and
- (iii) the total quantity and value of the articles mentioned in part (i) (each article separately) exported from the ports in the United Kingdom in the last five years (each year separately)?

(b) Will Government be pleased to lay on the table a statement showing separately for the last five years the quantity and value of the articles mentioned in part (i) (each article separately) (1) imported into Indian ports, (2) imported into Indian ports from posts in the United Kingdom and (3) exported from ports in the United Kingdom?

#### TERMINAL TAX ON PASSENGERS GOING TO BHUBANESWAR, SAKHIGOPAL AND PURI.

1397. \*Kumar Gupteshwar Prasad Singh (on behalf of Mr. B. N. Misra): (a) Will Government please state the object of the terminal tax on passengers going to (1) Bhubaneswar, (2) Sakhigopal and (3) Puri?

(b) In what year was it first imposed?

(c) What Railways are authorised to collect the same and from what year respectively?

(d) Will Government please state the total collection under this head till March, 1932, by each Railway?

(e) If the figures are not available, will Government please make inquiry and lay on the table a statement showing the collections by each Railway for (1) Puri, (2) Sakhigopal, and (3) Bhubaneswar, respectively?

Mr. P. R. Rau: (a), (b), (d) and (e). I would refer the Honourable Member to the reply given by me on the 9th November, 1932, to his question No. 1082, on the same subject.

(c) The tax is collected through the agency of the Bengal Nagpur Railway.

**Mr. Lalchand Navarai:** May I know why this terminal tax is levied? Is it not something like a *Jizzia* tax?

**Mr. P. R. Rau:** I do not think so. The tax is collected for the purpose of improving the amenities of these places for the pilgrims visiting them.

**Mr. Lalchand Navarai:** There is no other way of doing it?

**Mr. P. R. Rau:** The municipalities are not in a position to meet all the expenditure involved in making the places fit for the large numbers of pilgrims that visit these places every year.

**Dr. Ziauddin Ahmad:** Is it not a fact that this tax was levied at the request of the municipalities themselves?

**Mr. P. R. Rau:** At the request of the municipalities and the Local Government.

#### INDIAN MEDICAL DEPARTMENT ASSISTANT SURGEONS EMPLOYED ON THE NORTH WESTERN RAILWAY.

1398. **\*Kumar Gupteshwar Prasad Singh** (on behalf of Mr B. N. Misra): Will Government please state:

- (a) the total number of Indian Medical Department Assistant Surgeons employed on the North Western Railway;
- (b) the total number of men of the Indian Medical Department allotted by the Railway Board for the North Western Railway; and
- (c) if the number of men of the Indian Medical Department is in excess of the number allotted, what steps have been taken to reduce them?

**Mr. P. R. Rau:** Information is being collected and a reply will be laid on the table in due course.

#### SELECTION OF "Y" CADETS BY INTERVIEW AND RECORD BOARD OF THE ARMY ENTRANCE EXAMINATION.

1399. **\*Mr. S. G. Jog:** (a) Will Government please state:

- (i) the number of 'Y' cadets who were selected by the Interview and Record Board of the Army Entrance Examination held in June, 1931; and
- (ii) their names and the regiments in which they were enlisted?

(b) How many of such cadets were admitted to the Indian Military Academy during the term commencing on 1st October, 1932, and what are their names?

(c) Is it a fact that they were offered special enlistment terms by the General Staff Branch, Army Headquarters, on the understanding that on completion of their necessary training as laid down by their Commanding Officers they will be given every facility for getting a nomination to the Indian Military Academy, provided they were recommended by their Commanding Officers?

(d) Is it a fact that the Army Interview and Record Board was composed of high military and civil officials who considered these boys fit for King's Commissions?

(e) Will Government please state the names of such 'Y' cadets recommended by their commanding officers and brigade commanders for getting a nomination to the Indian Military Academy during the October 1932 term?

(f) If no such 'Y' cadets were selected for a nomination to the Indian Military Academy for the October, 1932 term, will Government please state their reasons for doing so?

(g) If Government were not willing to nominate such 'Y' cadets to the I. M. A. for the first term and they had enough stuff in the Indian Army for Indian Military Academy, will Government please state what necessity arose for special enlistments through the Interview and Record Board as 'Y' Cadets?

(h) Is it also a fact that King's Commissions were not open to the non-commissioned officers of the Indian Army at the time when 'Y' cadets were selected through the agency of the Interview and Record Board?

**Mr. G. R. F. Tottenham:** (a) (i) Twenty.

(ii) A statement is laid on the table.

(b) None.

(c) Yes.

(d) The Board, which consisted of high military and civil officials, was of opinion that the boys were likely to make suitable officers after training.

(e) and (f). The three candidates whose names are indicated by an asterisk in the statement I have laid on the table were recommended to Army Headquarters by their Commanding Officers and Brigade Commanders. They were not selected for the October, 1932 term as more suitable and better qualified candidates were available.

(g) Because in June, 1931, Government were not certain that the ranks of the regular Indian Army would, to start with, be able to produce sufficient men of the type required.

(h) Non-commissioned officers of the Indian Army were not eligible in 1930 for the King's Commission, but the rule was altered in 1931.

*Statement.*

Mohammad Ayub Khan, 2nd Punjab Regt.

Goverdhan Lal, 2nd Punjab Regt.

Sultan Muqarrar, 13th F. F. Rifles.

\*Jogindar Singh, 14th Punjab Regt.

Waheed Haidar, 15th Punjab Regt.

Ram Narain Saxena, 7th Rajput Regt.

Abdul Hamid Khan, 1st Punjab Regt.

Mohammed Abdel Ali, 7th Cavalry.

\*Dilip Chaudhuri, 7th Cavalry.

Silandar Khan, 19th Hyderabad Regt. Discharged, at own request.

\*Recommended by Commanding Officers and Brigade Commanders for admission to the Indian Military Academy in October, 1932.

Wazir Chand, 7th Rajput Regt.

Swarup Singh, 4/9th Jat Regt.

Jagat Singh, Probyn's Horse.

\*Jaswant Singh, 11th P. A. V. O. Cavalry.

Sampuran Bachan Singh, 11th Sikh Regt.

Hardip Singh Uberoi, 6th D. C. O. Lancers. Discharged, at own request.

Satya Prakash, 19th K. G. O. Lancers.

Gurkirpal Singh, Hodson's Horse.

Sadiq Ullah Khan, 12th F. F. Regt.

Maheshwar Nath Zutshi, who did not acknowledge the offer of a special enlistment.

**Mr. S. G. Jog:** Will the Honourable Member please explain the significance of the letter "Y" in "Y" cadets?

**Mr. G. R. F. Tottenham:** I do not know why "Y" has been used.

**Mr. S. G. Jog:** The Army Secretary is as ignorant as myself!

#### GRANT OF SPECIAL MESSING ALLOWANCE TO 'Y' CADETS.

1400 **\*Mr. S. G. Jog:** (a) Are Government aware that parents of the so-called 'Y' cadets have spent enormous sums of money over their college education and that the latter's mode and habit of living is far superior to an ordinary Indian sepoy's with whom they are working side by side and given the same food without any special messing facilities?

(b) Are Government prepared to consider the question of granting some special messing allowance to such cadets till the period they are nominated to the Indian Military Academy?

**Mr. G. R. F. Tottenham:** (a) Considerable expenditure may have been incurred on the preliminary education of these cadets, but the standard of living of Indian troops is well known and their acceptance of the special enlistment terms must be taken as implying their readiness to adopt this standard.

(b) No, Sir.

#### AGE-LIMIT FOR 'Y' CADETS.

1401. **\*Mr. S. G. Jog:** (a) Is it a fact that the age-limit for the Indian Army cadet has been fixed as 25 years?

(b) Is it also a fact that all the 'Y' cadets who were selected by the Interview and Record Board in June, 1931, were between the ages of 18 and 20?

**Mr. G. R. F. Tottenham:** (a) and (b). Yes.

\*Recommended by Commanding Officers and Brigade Commanders for admission to the Indian Military Academy in October, 1932.

**WAITING OF 'Y' CADETS FOR NOMINATION TO THE INDIAN MILITARY ACADEMY.**

1402. **\*Mr. S. G. Jog:** (a) Will Government please explain if it is their policy to nominate cadets to the Indian Military Academy when they are nearing 25 years of age?

(b) If so, is it a fact that every "Y" cadet mentioned above will have to wait for about five years before he can be nominated?

(c) Is it a fact that outsiders aged about 23 or 24 are enlisted as ordinary soldiers and, after completing some training, get nomination on the plea that they have no more chances on account of becoming over age? If so, does it not affect the nomination of regular 'Y' cadets?

(d) Is it a fact that one Pritham Singh who joined the Army as an ordinary soldier in November, 1931, was selected as a cadet for the Indian Military Academy during the October, 1932, term? Will Government state whether he was then over 25 years of age?

**Mr. G. R. F. Tottenham:** (a) and (b). The policy is to select those cadets who have had a full opportunity of demonstrating their powers of command and leadership, military knowledge and personality by actual experience in the ranks. Suitable cadets are not necessarily kept back until they are nearly 25 years of age, but, other things being equal, preference is naturally given to those who are approaching the age-limit.

(c) The answer to the first part of the question is in the negative. The second part does not arise.

(d) The answer to both portions is in the affirmative. The case of Pritham Singh was altogether exceptional. He was advised by the military authorities to enlist in the Indian Army with a view to obtaining a cadetship, before it was decided that no exceptions would be permitted to the rule regarding the age-limit of 25 years. He also gave up his civil employment in order to enlist. It was therefore decided that he must in common fairness be considered for a nomination, if recommended by the military authorities. His selection for a nomination was, however, due entirely to his own merits.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to enquire from the department concerned why the letter "Y" is used for this purpose, and lay the answer on the table?

**Mr. G. R. F. Tottenham:** I think the letter was selected merely as a convenient symbol, and there is no other significance in it than that.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to enquire and satisfy himself?

**Mr. G. R. F. Tottenham:** I am satisfied.

**Mr. B. V. Jadhav:** Are there any "W", or "X" or "Z" cadets?

**Mr. G. R. F. Tottenham:** Not that I am aware of.

### RECRUITMENT FOR THE INDIAN MILITARY ACADEMY.

1403. \***Mr. S. G. Jog:** (a) What are the rules for the recruitment for the Indian Military Academy?

(b) Is it a fact that no condition of passing the Indian Army Special Certificate Examination was laid down in the terms offered to 'Y' cadets specially enlisted?

(c) If so, will Government please state why the 'Y' cadets were made to appear in the Indian Army Special Certificate Examination?

(d) Are any exceptions made in respect of this procedure or in regard to the passing of the Indian Army Special Certificate Examination?

(e) Have any unqualified candidates been recruited for the Indian Military Academy for October, 1932, term without passing the Indian Army Special Certificate Examination?

(f) Is it a fact that the Indian Army Cadet Indar Singh was not recruited through the agency of Interview and Record Board of the Army Entrance Examination, and that he has not passed the Indian Army Special Certificate Examination? Is it not essential for every non-commissioned officer to pass that examination before getting a nomination to the Indian Military Academy?

**Mr. G. R. F. Tottenham:** (a) Copies of the Regulations governing admission to the Indian Military Academy are in the Library of the House

(b) Yes, but it was made quite clear to them that they would have to reach a suitable standard.

(c) The possession of the Indian Army Special Certificate was made compulsory in order to secure a uniform standard of education and also to facilitate the task of selection.

(d), (e) and (f). There has only been one exception to the rule which is the case mentioned by the Honourable Member. Cadet Indar Singh was exempted from passing the Indian Army Special Certificate Examination, because he was qualified in every other respect and had actually on two occasions qualified in the written papers at the open competitive examination.

### PREFERENCE IN THE SELECTION OF 'Y' CADETS TO THE INDIAN MILITARY ACADEMY.

1404. \***Mr. S. G. Jog:** Are Government prepared to consider the question of giving preference to those 'Y' cadets who were recommended by their respective commanding officers over other Indian Army cadets in selection for the next term of the Indian Military Academy?

**Mr. G. R. F. Tottenham:** No, Sir. Selection must be made strictly in accordance with the merits of each candidate.

### INADEQUATE REPRESENTATION OF MUSLIMS IN THE CENTRAL STATIONERY OFFICE.

1405. \***Mr. Muhammad Anwar-ul-Azim:** (a) What is the total strength of the establishment of the Government of India, Central Stationery Office, including Stores, and how many of them are Muslims?

(b) What is the total number of Head Assistants and Assistants (Upper Division Clerks) there, and how many of them are Muslims?

(c) Is it a fact that there is not a single Muslim in the Store-Examiner's and Store-Keeper's Branches?

(d) If so, will Government state why Muslims were not recruited for vacancies there up till now?

(e) Is it because the non-Muslim Store-Keeper does not like Muslims to be appointed?

(f) What steps are Government taking in order to get a fair number of Muslim representation in this Office?

(g) Is it a fact that there are about 30 to 35 employees, Head Assistants, Assistants and Clerks, who have completed their full 25 years' service, and that there are many who have completed even 30 to 35 years' service?

(h) If so, have the authorities considered the question of retiring these men?

**The Honourable Sir Frank Noyce:** (a) 252, of whom 20 are Muslims.

(b) 28; none of them is a Muslim.

(c) Yes.

(d), (e) and (f). Recruitment to the Central Stationery Office generally is made according to the orders of Government regarding communal representation. In making appointments each branch of the Office is not treated as a separate unit. As appointments in the Stationery Store Section of the Office are made on the nomination of the Stationery Store Keeper who is responsible for losses which the persons appointed may cause, it is not possible to insist on communal representation in that Section.

(g) 28 men with over 25 years' service are employed in the Central Stationery Office; of these seven have more than 30 years' service.

(h) No; no occasion has arisen for compelling them to retire before they reach the age of superannuation.

#### POSTS SANCTIONED FOR THE OFFICE OF THE REGISTRAR OF JOINT STOCK COMPANIES, BENGAL, CALCUTTA.

**1406. \*Mr. Muhammad Anwar-ul-Azim:** Will Government please state whether it is a fact that the Government of India have recently sanctioned five posts for the office of the Registrar of Joint Stock Companies, Bengal, Calcutta?

**The Honourable Sir Joseph Bhore:** Not recently. But four posts of temporary clerks on Rs. 40 per mensem each were sanctioned in April, 1931, and these are being continued. I may also mention that the recruitment for the Joint Stock Companies staff is purely within the province of the Local Government.

#### RECRUITMENT OF MUSLIMS IN THE SUPERIOR SERVICES UNDER THE VARIOUS PORT TRUSTS IN INDIA.

**1407. \*Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state whether any, and, if so, how many Muslims are holding appointments in the superior services under the various Port Trusts in India, specially in Calcutta?



(b) Will Government please say whether the principle of Indianisation of the services has been accepted by the various Indian Port Trusts and, if so, how many Muslims have been appointed during the last two years in the superior services in accordance with this principle?

(c) Will Government please state whether any, and, if so, how many, applications, during this and the previous years, have been received by the Chairman, Port Commissioners, Calcutta, from Muslim candidates with British and other European qualifications for service in the Engineering and other technical departments under them?

(d) If the reply to part (c) be in the affirmative, will Government please state how their cases stand at present?

**The Honourable Sir Joseph Bhow:** The information asked for is being obtained and will, when received, be laid on the table.

#### LICENSED SHIPPING BROKERS IN THE PORT OF CALCUTTA.

**1408. \*Mr. Muhammad Anwar-ul-Azim:** (a) How many shipping brokers with licences granted under section 24 (1) of the Indian Merchant Shipping Act are there in the Port of Calcutta and how many of them are Hindus and how many Muslims?

(b) Is it a fact that most of the seamen engaged on foreign-going vessels at the Port of Calcutta by these shipping brokers are Muslims? If so, will Government please say whether there is any Muslim shipping broker, and, if so, do Government propose to consider the desirability of granting a licence to suitable Muslims to enable them to engage or supply seamen on sea-going merchant ships in British India?

**The Honourable Sir Joseph Bhow:** (a) There are at present four licensed shipping brokers at Calcutta and all of them are Hindus.

(b) The reply to the first part of the question is in the affirmative. As regards the second part, the position is that under the revised system of recruitment now in force licensed shipping brokers are seldom, if ever, required to engage or supply seamen. Government have accordingly decided that fresh licences should not be granted.

#### APPOINTMENT OF MUSLIMS IN THE OFFICES UNDER THE COMMISSIONER OF INCOME-TAX, CALCUTTA.

**1409. \*Mr. Muhammad Anwar-ul-Azim:** (a) What is the percentage of Muslim appointments in the offices under the Commissioner of Income-tax, Calcutta?

(b) Is it a fact that there is no Muslim clerk in the Head Office of the Income-tax Commissioner, Calcutta? If so, why? Are Government prepared to impress on the Commissioner of Income-tax the necessity for appointing Muslim clerks in the Head Office in Calcutta so as to bring their number to 33 per cent. of the total ministerial officers in the Head Office?

(c) Is it a fact that proportionately the clerks in the Head Office of the Income-tax Commissioner get more promotion as Examiners of Accounts, Assessors, etc., than the clerks in other offices subordinate to him? If so, are Government prepared to ask the Commissioner to appoint more Muslims in the Head Office?

**The Honourable Sir George Schuster:** (a) A statement is laid on the table:

(b) and (c). There is one Muslim clerk in the office of the Commissioner of Income-tax at present. The clerks in that office do get a higher proportion of promotions, as suggested. The Government are not prepared to issue instructions as to the percentage of the establishment in any particular office that should be drawn from any community.

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*Statement showing the percentage of Muslim appointments in the offices under the Commissioner of Income-tax, Calcutta.*

				Percentage of Muslims.
I. T. Os. and A. I. T. Os.	..	..	..	25
Non-gazetted Executive Service—				
Examiners of Accounts	..	..	..	33½
Assessors	..	..	..	29
Bailiffs	..	..	..	16
Ministerial appointments	..	..	..	35.8

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## SHORT NOTICE QUESTIONS AND ANSWERS.

### SEPARATION OF SIND FROM BOMBAY PRESIDENCY.

**Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether the decision has been taken that Sind be not separated from the Bombay Presidency and constituted into a separate province?

(b) Will Government be pleased to state whether the principle of the separation of Sind from the Bombay Presidency has been agreed upon at the Round Table Conference?

(c) Will Government please state whether it is not a fact that according to the Brayne Report there is a deficit of about Rs. 80 lakhs in the case of Sind, whether it remains a part of Bombay or is separated from the Bombay Presidency?

(d) Is it not a fact that the additional cost, in the case of Sind being constituted into a separate province, is no more than Rs. 12 lakhs?

(e) Is it not a fact that representatives of the people of Sind have suggested ways and means of meeting the additional cost by voluntary taxation to that extent?

(f) Will Government be pleased to state whether the earliest opportunity will be taken by His Majesty's Government to announce the decision on the separation of Sind from the Bombay Presidency?

**The Honourable Mr. H. G. Haig:** (a) No such decision has been taken.

(b) The Sind Sub-Committee of the first Round Table Conference accepted the principle of the separation of Sind and directed that the financial issues be examined by an expert Committee. This investigation was made in 1931 by the Sind Enquiry Committee, and, at the second Round Table Conference His Majesty's Government accepted in principle the position endorsed at the first Round Table Conference that Sind should

be constituted a separate province if satisfactory means of financing it can be found. A conference of representatives of Sind, over which Mr. Brayne presided, was accordingly held during the summer to suggest means to overcome the financial difficulty.

(c) The Honourable Member has correctly stated the general conclusion to be drawn from the figures at which Mr. Brayne arrived in paragraph 88 of his report.

(d) Yes

(e) Yes

(f) The question of the method of dealing with the anticipated deficit in a separated Sind will be discussed by the Conference now being held in London when it is considering the subject of federal finance. His Majesty's Government hope to announce their final views on the question as soon as the discussions have been completed.

**Mr. Lalchand Navalrai:** May I know from the Government if at the First and Second Round Table Conferences, the minority community of Hindus in Sind were not represented?

**The Honourable Mr. H. G. Haig:** The Honourable Member is probably more closely acquainted with that than I am, but I am perfectly prepared to accept that statement if he assures me that that is the case.

**Sir Muhammad Yakub:** May I take it, Sir, that so far as separation of Sind is concerned, it is not inter-dependent on the settlement of the question of finance according to the announcement made by the Prime Minister in his decision on communal question?

**The Honourable Mr. H. G. Haig:** I do not think, Sir, the question was dealt with specifically in the Communal Award. The position, I think, is clearly stated in the answer I have just given. I think if the Honourable Member looks at that answer, he will see, the position is quite clear.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if it was not decided at the Round Table Conference that Sind will not be separated if it does not stand on its own legs financially?

**The Honourable Mr. H. G. Haig:** I think the proposition was made not in a negative, but in a positive form—that Sind should be separated, if satisfactory means of financing it can be found.

**Maulvi Muhammad Shafee Daoodi:** Has the attention of the Government been drawn to Table II under the head "Provincial Forecast" contained in the Federal Finance Committee's Report, page 5, showing the future financial position of various Provincial Governments?

**The Honourable Mr. H. G. Haig:** I am not acquainted with that table myself.

**Maulvi Muhammad Shafee Daoodi:** Is it a fact that a deficit of 70 lakhs and another of 65 lakhs are shown as against Bihar and Orissa and Assam, respectively?

**The Honourable Mr. H. G. Haig:** I am quite prepared to take it from my Honourable friend.

**Maulvi Muhammad Shafee Daoodi:** The third question arises on the same point. Is the Honourable Member aware that the Province of Bihar and Orissa was allowed to start with no contribution in view of its especially bad financial position, which fact is observed by the Federal Finance Committee in their Report, paragraph 78, page 21?

**The Honourable Mr. H. G. Haig:** It may be so, Sir.

**Mr. Gaya Prasad Singh:** Is it not a fact that the province of Bihar and Orissa got no subvention from the Central Government?

**The Honourable Mr. H. G. Haig:** I do not quite see how that question arises on the answer I have given.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state that the majority community as well as the minority community in the Brayne Committee showed all avenues of bringing round the deficit and were not able to do more than what Mr. Brayne found out?

**The Honourable Mr. H. G. Haig:** The position is as I have just explained. The question asked was whether it was a fact that according to the Brayne report there is a deficit of about 80 lakhs in the case of Sind, whether it remains a part of Bombay or whether it is separated, and the answer was that that was the conclusion. Then, in addition to that deficit which will remain in any case, there was the additional cost of separating Sind which was calculated to amount to 12 lakhs and it is a fact that the representatives of the people of Sind have suggested ways and means of meeting that additional cost by voluntary taxation.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that there is a difference between the deficit found out by the Brayne Committee and that found by the Irwin Committee? The latter Committee estimated the deficit at one crore and 10 lakhs and also said that the deficit will not be reduced up to 1963. The Brayne Committee shows a little difference. Have the Government of India considered the difference between these two Committees?

**The Honourable Mr. H. G. Haig:** Mr. Brayne had before him the conclusions of the first Committee and gave his reasons for arriving at different conclusions.

**Mr. Lalchand Navalrai:** I am asking whether the Government of India have investigated into it and given its opinion on it?

**The Honourable Mr. H. G. Haig:** As far as I am aware, the Government of India are prepared to accept the estimates of Mr. Brayne's report.

**Maulvi Muhammad Shafee Daoodi:** In regard to meeting the deficit in the provinces, is the Honourable Member aware that the Federal Finance Committee observe this: "We have considered other proposals which might, to some extent, conceal the realities of the situation, but it seems better to state frankly that the only method of relieving deficit provinces is to spread the charge over the other provinces"?

**The Honourable Mr. H. G. Haig:** The Honourable Member brings out the point which I have already indicated in my answer—that this question of deficit provinces is a general one and it is going to be discussed by the Round Table Conference as part of the general problem of Federal Finance.

**Mr. M. Maswood Ahmad:** Are Government aware that at Allahabad the Hindus have agreed to the separation of Sind unconditionally about finance?

**The Honourable Mr. H. G. Haig:** I am not aware that the agreement was unconditional. I have not read the agreement very carefully, but it seemed to me to run to some length and I imagine there were a number of conditions attached.

**Mr. M. Maswood Ahmad:** I referred to conditions about financial deficit.

**The Honourable Mr. H. G. Haig:** I should be glad to hear from the Honourable Member what was said about finance.

**Seth Haji Abdooli Haroon:** Is the Honourable Member aware that last February, in the Bombay Council, the Honourable Sir G. Pradhan stated very clearly in his Budget speech that the deficit in the Bombay Budget at present, as Sind was with the Bombay Presidency, was about 80 lakhs, that if Sind was separated from Bombay, Bombay would be relieved of that 80 lakhs deficit from her Budget and that if Sind continued to remain with Bombay, then he suggested that the Government of India should make some different financial arrangement with the Bombay Government?

**The Honourable Mr. H. G. Haig:** No doubt, Sir, the position is broadly as indicated by the Honourable Member that if Sind remains with Bombay, 80 lakhs will have to be found somehow from the Bombay finances, which otherwise they will escape.

**Dr. Ziauddin Ahmad:** We are considering the possible sources of income in future. Was the question of the expansion of the port of Karachi considered, because this is really a very important source of future income?

**The Honourable Mr. H. G. Haig:** I have no information on that point, Sir.

**Seth Haji Abdooli Haroon:** Is the Honourable Member aware that in his report Mr. Brayne says that from 1944-45 Sind will become a self-supporting province on account of the revenue from the barrage scheme?

**The Honourable Mr. H. G. Haig:** It is certainly anticipated that when the barrage scheme has got into full working order, it will be very profitable and will relieve the finances of Sind.

**Sir Muhammad Yakub:** Have Government considered the question of amalgamating Baluchistan with Sind, and what will be the effect on the financial position of these two provinces when they are amalgamated?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. That question does not arise on this issue.

**Mr. Lalchand Navalrai:** Is it not a fact that Lord Russell gave it as his opinion that Sind could be separated provided it stood on its own legs? Have the Government of India or the Government of His Majesty made any definite pronouncement contrary to that declaration?

**The Honourable Mr. H. G. Haig:** I have nothing to add to the very full statement I have already made on that point.

**Dr. Ziauddin Ahmad:** In adjusting the financial arrangements between Sind and the Government of India, will the Government consider as to who would be responsible for the extravagance of the construction of this barrage canal—the Government of India, or the Bombay Government?

**The Honourable Mr. H. G. Haig:** I am not aware what the Honourable Member refers to when he mentions "the extravagance of the construction of this barrage canal".

**Maulvi Muhammad Shafee Daoodi:** Are Government aware that Mr. Brayne, the Chairman of the Sind Conference, unnecessarily rejected the proposal of some of the members of the Sind Conference to levy a terminal tax in Sind, while the Federal Finance Committee Report in paragraph 86 says in the case of Assam:

"a possible further source of revenue should be a terminal tax the yield of which is estimated by the Provincial Government at about 20 lakhs,"

which would wipe off much of the deficit of Assam?

**The Honourable Mr. H. G. Haig:** I am not sure whether the Honourable Member is anxious that taxes to an unreasonable extent should be piled on the inhabitants of Sind. I have already stated that the members of the Committee, over which Mr. Brayne presided, have suggested ways and means of meeting the whole of the additional cost, and that being so, I do not know that there is any particular obligation on them to meet charges over and above that.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that in the Brayne Committee the suggestion was made that the assessment of land revenue should be increased specially by one anna in the rupee when the majority community had declared several times that they cannot pay any more assessment and that such a suggestion has also been accepted by Mr. Brayne?

**The Honourable Mr. H. G. Haig:** I understand that the proposals made by Mr. Brayne were those accepted by his Committee.

**Mr. Lalchand Navalrai:** But the majority community consisted of seven men and there were three men from the Hindu community. Mr. Brayne accepted the opinion of those seven men—the majority community members. The Hindus never agreed to that.

**The Honourable Mr. H. G. Haig:** No doubt he accepted the opinion of the majority of the members of his Committee.

### CONSTITUTION OF ORISSA AS A SEPARATE PROVINCE.

**Mr. Bhuput Sing:** (a) Will Government be pleased to state whether the decision that Orissa be not constituted a separate province has been taken?

(b) Is it a fact that the principle of a separate province for Orissa was agreed upon at the previous Round Table Conferences?

(c) Is it a fact that the Boundaries Commission has recommended that there are no financial difficulties in the constitution of Orissa as a separate province?

(d) Will the subject be discussed again at the Third Round Table Conference and ultimate decision taken therein? Has any representative from Orissa been invited to this Conference? If not, why not?

(e) Are Government aware that popular opinion in Orissa is very strong in favour of a separate province?

(f) Have Government considered the advisability of seeking the opinion of the Assembly by allotting a special day in this Session for discussion of the subject?

**The Honourable Mr. H. G. Haig:** (a) No such decision has been taken.

(b) The principle of the separation of Orissa was not in terms accepted at the last Round Table Conference. The exact position was stated in the opening sentences of the Reforms Office Resolution of the 18th September, 1931, No. F.-12/VI/31, announcing the appointment of the Orissa Enquiry Committee in which it was stated that:

"the constitution of a separate province of Orissa was not made the subject of separate investigation by the Round Table Conference or any of its Sub-Committees. But the matter was not overlooked. Some discussion took place at a late stage in the Committee of the whole Conference in which, though the claims of the Oriyas were not expressly endorsed, no delegates spoke against them."

(c) No. The Honourable Member's attention is invited to Chapter II of the Orissa Committee's Report.

(d) It may be anticipated that the question will arise in connection with the discussions on Federal Finance at the Conference now being held in London. No delegate has been sent specifically to represent Orissa, but the Honourable Member is doubtless aware that one of the delegates is an Oriya.

(e) Government are aware of Oriya feeling on the subject.

(f) Government do not think it necessary to allot a special day for the discussion of the question.

**Mr. B. N. Misra:** What is the opinion of the Government of India now as to the point whether a separate province should be constituted or not?

**The Honourable Mr. H. G. Haig:** I am afraid I am not in a position to express the opinion of the Government of India.

**Mr. B. N. Misra:** What have the Government of India recommended in their Despatch to the Secretary of State?

**The Honourable Mr. H. G. Haig:** I have just said that I am not in a position to express the opinion of the Government of India.

**Mr. Amar Nath Dutt:** Sir, in view of the insistent demand from various provinces for separation, will Government see the wisdom of either reverting to the distribution of provinces as it was before the Partition of Bengal, or of having a distribution of the provinces according to a linguistic, ethnological and geographical basis?

**The Honourable Mr. H. G. Haig:** Sir, in these constitutional discussions, we have to face a very large number of problems. Among those problems are the questions of the constitution of two new provinces which have been discussed this morning: and I would suggest that we do not complicate matters further by embarking on a complete re-distribution of the provinces of India.

**Mr. M. Maswood Ahmad:** Have the Government of India made their recommendations about the separation of Orissa to the Home Government?

**The Honourable Mr. H. G. Haig:** I do not think that the final views of the Government of India have yet gone to the Secretary of State.

**Mr. Amar Nath Dutt:** Will not the constitution of a Boundaries Commission put a stop to all these complications?

**The Honourable Mr. H. G. Haig:** It might also put a stop to the constitution.

**Mr. S. C. Mitra:** Is it the intention of the Government of India to create further deficit provinces, because of the fact that there are already several deficit provinces?

**The Honourable Mr. H. G. Haig:** No, Sir. These questions of the distribution of the financial resources of India are no doubt very difficult,—the financial resources as a whole being somewhat inadequate.

#### THE CRIMINAL LAW AMENDMENT BILL.—*contd.*

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Consideration of the Bill, clause by clause, to supplement the Criminal Law as reported by the Select Committee.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): Sir, I move;

"That clause 2 of the Bill be omitted."

Clause 2 runs thus:

"Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the Military, Naval, Air or Police service of His Majesty shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both."

And then there are two Exceptions. My purpose in moving the deletion of this clause is that it is absolutely unnecessary and that it will be



[Mr. S. C. Mitra.]

useless and ineffective in operation. We wanted to know, from the time this Bill was announced, if there were real cases and if there was any urgent necessity for having a provision like this. We have failed to get any definite information so far as to in how many cases, Military, Naval, Air or Police service, men in His Majesty's service have actually been dissuaded or attempts have been made to dissuade them. I shall certainly be glad to revise my attitude if, later on, the Honourable the Home Member can put facts and figures before this House to justify the inclusion of such a clause. In that connection I shall be glad, now that the Ordinance embodying the substance of this clause has been in operation for more than 11 months, if the Honourable the Home Member will give us, province by province, the number of cases, under each of the categories, Military, Naval, Air or Police, in which men have been dissuaded or the cases where attempts have been made in this direction. I should also like to know the number of prosecutions, convictions and the sentences awarded, so that the House may be in a position to judge the matter for itself. I do not think that we are here called to legislate for all eventualities or imaginary cases that may arise in the future. One strong ground has been that the whole Bill is intended against Congress activities. So far as I know, there is no resolution of the Congress where it has been urged on the Congressmen to dissuade people from joining the Military, Naval, Air or Police services in recent times. I remember, in 1921, when the non-cooperation movement was first launched, there were provisions for five-fold boycott, and public servants were asked to boycott public services, not only the services mentioned in this clause, but all services. I attended the last Session of the Congress at Amritsar and I know it for a fact that only one item of boycott, namely, the boycott of the Legislature, was accepted and the other four boycotts, namely, the boycotts of Courts, schools and public services were not adopted. After that, there was only one more Session held of the Congress at Karachi in which no other Resolutions were passed except the one relating to the five-fold boycott. Since then, Government have, in their wisdom, forbidden the Congress to hold their Sessions and thus there was no chance for the Congress to revise their opinion. So, even from this narrow standpoint that the Congress has adopted or is likely to adopt any such boycott, I contend that there is no necessity for such a legislation. I do not know, Sir, with what object this clause has been put in the very forefront of the Bill. It is meant only to prejudice the outside public that Indians have become so obtuse that there are regular attempts to dissuade them from entering the Military, Naval, Air or Police service. If a case is made out that there is a regular or persistent attempt to dissuade people from joining these services, I shall be really the last person to oppose it. But, I think, in these days of unemployment, if the Honourable the Home Member is anxious to enlist a large number of public servants in any of these services, there will be no dearth of men. On all these grounds I think that this clause is superfluous and unnecessary. It will be used merely to oppress the people under cover of this legislation and it will be of no other use. With these few words I move for the deletion of this clause.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

“That clause 2 of the Bill be omitted.”

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, I very rarely differ from the opinions expressed by my Honourable friend, Mr. Mitra, but in this respect I have great regret in differing from him. In this case, the Government have entered into the real Swadeshi spirit, because they want the whole Military, Naval, Air and Police services to be manned by Indians and that is exactly what our patriots have been fighting for all these years. We want the whole Military to be manned by Indians and also the Naval and Air forces and, that being the case, I do not see any reason why my learned friend should oppose such a salutary clause. Of course, the Government have introduced this clause unwittingly, because they really wanted to introduce a clause to punish boycott of any public service or any public servant, but unwittingly they have introduced this most salutary clause. I do not see any reason why we should oppose it and, on this ground, I oppose the amendment.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadian Rural): Sir, I am very sorry that my friend, Mr. Reddi, is under a misapprehension. He has seen in clause 2 certain words which do not occur there. In fact if those words were there, I would have also joined him in his praise for the Honourable the Home Member, namely, that

12 Noon. by enacting this clause the Government intend that all Indians should be taken in the Military, Naval, Air and Police services. As for the Police service, we know that in the subordinate ranks, no foreigner is available and, therefore, Indians are taken. As for the Naval, Military and Air forces, my Honourable friend thinks that the enactment of this clause will compel the hands of the Government to enlist only Indians and not foreigners. If that be his idea, I submit, considering the policy pursued by Government so long, we are sure that his optimism is wholly unfounded. In fact, if there were words to that effect and if foreigners were excluded, I would have wholeheartedly supported my Honourable friend, Mr. Reddi. The clause, as it stands, runs:

"Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the Military, Naval, Air or Police service of His Majesty shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both."

Now, so far as regards the Military, Naval or Air forces, I would have welcomed a provision like this:

"whoever wilfully dissuades Government from enlisting Indians in these services", and certainly such a provision would have been most welcome to us. We know full well that Indians have no position in the Military, Naval and Air forces and that in the police they enjoy only a subordinate position. As the Honourable the Mover of the amendment has contended, up till now no occasion has arisen to enact a clause like this in a Bill to supplement the criminal law of the country, we want specific figures to be impressed with the real necessity for a clause like this. That being so, I am sorry that I have to disagree with my Honourable friend, Mr. Reddi, and support the amendment of my Honourable friend, Mr. Mitra.

**\*Mr. S. G. Jog** (Berar Representative): Sir, to start with, I should like to make it clear that in the long discussions that we had both at Simla as well as on the floor of this House here, when the Bill was under

[Mr. S. G. Jog.]

consideration, I kept a sort of discreet golden silence for reasons which probably I leave it to you, Sir, to imagine. I should like to say that I had the good fortune or, I may call it, the misfortune of working on the Select Committee and, if I were to speak as to what happened in the Select Committee, I would have landed myself in troubles, either I would have been compelled to justify the action of my Honourable colleagues or I would have been compelled to justify my own action. I, for one, thought it better not to take any part in these discussions and not to say one word or other as to who was in the right and who was in the wrong. I wanted to drop a curtain over the whole affair which, according to some Honourable Members, proved to be the tragic part of the Select Committee proceedings.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is speaking on the amendment to omit clause 2.

**Mr. S. G. Jog:** I was just now explaining, Sir, that I had no opportunity of giving expression to my feelings in the matter. I will now make some observations on the motion before the House. When clause 2 was under discussion in the Select Committee, we took a very long time, and straightaway we put the question to the Honourable Member in charge as to what was the necessity for this clause and whether they had any cases to prove that attempts were made to dissuade people from entering any of the services referred to in clause 2. The Honourable the Home Member was not in possession of any of the facts which will justify the legislation of a clause like this in the Bill. He took a long time to find out some material and, after all, he was not able to produce any material. However, when the matter was again being discussed, this matter was brought to the notice of the Honourable the Home Member and he promised to collect some material and place it before the House. Probably in his reply he may produce that material, but, up till now, at least, we are in the dark as to what that material is. We think that this is an imaginary grievance for which the Honourable the Home Member wants a provision to be made in the Bill. So far as we know, if anybody can be charged with dissuading people from entering the Military, Naval, Air and Police forces, it is the Government itself. I would charge the Government with putting obstacles and unnecessary restrictions in the way of Indian youth who are so anxious to join the Military, Naval and other services. If anybody is responsible for dissuading these young men, I think it is the Government. Under these circumstances, I submit that it is not the duty of this Legislature to provide against any imaginary evils, unless the Honourable the Home Member has got concrete cases of sufficient number to show the existence of such evils so that the House may vote for enacting a clause like this in the Bill. So long as the Honourable the Home Member is not in possession of the facts, any such piece of legislation, to my mind, is unnecessary. I should like to draw the attention of the House to the fact that in introducing this Bill the Government are practically trying to have something more than what was given in the Ordinance also. I should like to draw the attention of the House to clause 25 of Ordinance No. X of 1932, which says:

"Whoever dissuades or attempts to dissuade any person from entering the Military or Police service of His Majesty shall be punishable with imprisonment which may extend to one year, or with fine, or with both".

I do not find the words "Naval and Air forces" here and, while introducing this Bill, the Government are trying to make an improvement on what was in their Ordinance and they want to include Naval and Air forces also. In a way the Government are going beyond the purpose of the Ordinance. They have added two Exceptions, but, in view of the fact that there is no necessity for any such provision, I think the whole clause should be deleted. In the Select Committee meetings, we tried our best and, to some extent, we succeeded in compelling Government to meet our views, but, at the same time, the Government were stiff, and we were not able to carry many of our points. I am not going to consider the question whether the principle of the Bill has been accepted by the House or not accepted by the House. I must say that the Bill, even after it has emerged from the Select Committee, has still many defects and is wanting in several respects and it is the duty of the House to get those defects corrected. I would, therefore, strongly advise the Government that, in view of their all-pervading nature and as this side of the House thinks that the Bill is still capable of many improvements, I hope the Government, seeing the weakness of this side, would not be stiff. As there are many more amendments which are likely to improve the provisions of the Bill, I hope the Government would help this side of the House in effecting the necessary improvements in the Bill on the lines suggested by us. With these words, I support the amendment moved by my Honourable friend, Mr. Mitra. I think this clause is quite unnecessary and ought to be deleted. It is a question as to how far the Government require powers and, having conceded some powers to Government to put down the civil disobedience movement, we have to see whether the other powers asked for are necessary, and whether they come within the purview of that ideal which they have got in view. I, for one, am constrained to think that this clause 2 is unnecessary and that Government should not burden this emergency legislation with such unnecessary provisions to combat an imaginary evil. I wholeheartedly support the amendment moved by my Honourable friend, Mr. Mitra.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** (Nominated Non-Official): Sir, belonging as I do to a district which supplies a very large number of recruits to the Army, which supplied 25,000 recruits during the war, and from which there are about 8,000 men at present actually serving in the Army, I think I should be failing in my duty if I were not to give an opinion on this clause. One of the charges levelled against the Congress in previous years used to be that it represented only the educated classes, and that as Congressmen were all drawn from the urban areas, it did not represent the rural classes. Its representative character was always questioned. This was, as a matter of fact, true. Even in 1917, when the Lucknow Pact was signed, it was a pact between the urban Hindus and the urban Muslims. There was no Sikh representative there, because they are a rural community.

In order to refute this charge, the Congress began to spread its activities into the rural areas, and I remember that when there was a Session at Delhi, probably in 1918, they had a separate camp for peasants and tenants who were also given free feed and free tickets. Similar was the case at Amritsar. In this way they secured rural delegates and established a contact between the villagers and the Congress. Ever since then, Congress propaganda has been going deep into the villages and I have been told

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by many reliable persons present in village meetings including retired Military officers, that in villages the Congress preachers generally say: "You villagers, you Military people, you are responsible for the slavery of India, because you supply men on Rs. 13 a month to fight against your own country". That is the general trend of their arguments. I must, of course, admit that at present there is so much unemployment in the country and that the economic conditions are so bad, that there are more recruits to be had than we require partly as the Ordinances are at work. But the class of recruits that we used to get in olden days are difficult to secure now. Go to any cavalry officer or any cavalry regiment, and you will find that it is now difficult to get recruits from the old families who used to supply recruits to the Army, or, in other words, members of good families who used to join the Army for the sake of *Izzat* are keeping back.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): May I know the reason why?

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** It is due to this propaganda and also partly due to the fact that the eyes of villagers have been opened and they find that the Civil services are more paying than the Military services, and, therefore, those who have got some education try to get into the Civil services rather than into the Military services.

**Mr. B. V. Jadhav:** So you mean to say that the Military service is not so attractive as it was before.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** Military service at the top is attractive and should become much more attractive than before. If proof were needed, you can go and ask the Secretary of the Public Service Commission and he will tell you that, at the last selection for 12 vacancies, they had as many as 400 applications for the Indian Academy. The service at the bottom is not attractive.

**Mr. B. V. Jadhav:** That was for the King's Commission and not for the rank and file.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** Yes, for the King's Commission.

That, Sir, is the chief ground on which they approach the Military classes. They always go and tell them that it is on account of the cheap recruits which the Military classes are supplying that the whole country is in bondage and slavery. This is the trend of the propaganda that is being carried on in the villages and it is very necessary that Government should not sit idle, but should get necessary powers to give effective punishment to those who resort to this propaganda among a population which is ignorant, illiterate and can be made to believe things which they ought not to believe. For instance, it was a common argument some time ago that Swaraj would come by 31st December of a certain year,

and villagers should also help materially in getting Swaraj. People used to come and ask if it were a fact that if they did not pay land revenue for a year or so, Government will come to a stop. Sir, this propaganda should not be allowed to continue among the masses, and I think the provision contained in clause 2 is very necessary. I, therefore, oppose this motion.

**Mr. B. V. Jadhav:** Sir, I have given notice of a similar amendment and I, therefore, whole-heartedly support the amendment moved by my friend, Mr. Mitra. But my reasons for the deletion of this clause are quite different. I do not think I shall yield to any one in my regard for the Army and I do recognise that for a well-settled Government a strong Army, Navy and Air force are absolutely necessary. And, therefore, it is the duty of every patriot to help Government in having a strong Army, Navy and Air force. But all these arms ought to be manned mostly by the nationals of the country. Up to this time the commissioned ranks of the Army and the Navy were not open to Indians at all; but, latterly, things have changed to a very small extent and the commissioned ranks have been opened to Indians by allowing them to hold a few commissions. The posts offered in the Army, for instance, are about 30 every term, out of which 15 are filled by direct recruitment and the rest by promotions in the ranks. In that way the Army has become more attractive and I do think that the fear expressed by my friend, Captain Lal Chand, will have no room, because boys of very good families, with an eye to a King's Commission, will join the ranks in larger numbers. But if there is a danger and if the propaganda that is carried on by the Congress and other unlawful bodies is to be stopped, it ought to be done by a separate Bill. But, as a matter of fact, nobody has yet shown that the propaganda that is carried on for dissuading young men from joining the Army is carried on by the Congress people or by the people who are preaching non-co-operation. The explanation given by Captain Lal Chand that people went into the villages and told the people not to recruit because it was a shame that Indians should accept wages and conquer the country and keep the country for a foreigner, that sort of preaching is not the Congress preaching at all. It may be the preaching of some unlawful persons or unlawful bodies, but the Congress is not at all responsible and it is not due to this non-co-operation movement. If such preaching is going on, it is by some other bodies . . . .

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** By Congress agents, I am sure: by agents who are in the pay of the Congress.

**Mr. B. V. Jadhav:** May I ask my Honourable friend whether such preaching has been started very lately or it is of very long standing?

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** Yes; it has been going on for some time.

**Mr. B. V. Jadhav:** So it is not due to the present non-co-operation movement. If it is going on for some time—and I do agree that it ought to be stopped—then this provision ought to form a part of the Army Act and not of a Bill which is to replace the Ordinances . . . .

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** If they continue like this, it should come into in due course.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): If the Honourable Member wishes to yield, he should resume his seat: otherwise he should go on.

**Mr. B. V. Jadhav:** No, Sir; I do not want to yield: I remained standing.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Then please go on.

**Mr. B. V. Jadhav:** What I submit is, if this is required for the maintenance and discipline of the Army, it ought to form part of the regular Army Act in order to remain there for all time to come. But it has been inserted in this Ordinance Bill. My objection here is that the clause is very vague and it will lead to many abuses and, therefore, it ought not to be in this Bill. If Government think that it is necessary to have such a provision in the interests of the maintenance and discipline of the Army, then they should bring an amendment to the Army Act and have it there, but not in this Bill, because here it will lead to oppression and it may lead also to misuse of the provisions. We do not trust the police and other officers who will be very eager perhaps to run down obnoxious people under some clause or another and this provision, that they preached against enlistment in the Army or Navy or the Air force is a very easy charge to bring forward and it will lead to many abuses. Government have given their consent that this Bill should remain in force only for three years. Such a provision for three years only will not do for the discipline of the Army and it ought, therefore, to be deleted from this Bill. Even when Government are ready to show certain instances wherein some recruits have been dissuaded from entering one or the other of these services, I think that this provision in the Bill is not proper. Its right place is in the Army Act.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I stand to support the amendment moved by my friend, Mr. S. C. Mitra. My reasons for supporting this amendment are that I want to look at this clause from three points of view—the first, the strictly legal point of view, the second the point of view of a public worker, and third, the political point of view. Looking at it from the strictly legal point of view, I confess, I have not been able to follow the clause as it is worded. In the Select Committee Report I find that the word “wilfully” has been inserted in this clause probably to meet some objections of the Opposition. I tried to find out what would be the effect of this addition of the word “wilfully”. This addition of the word “wilfully”, in my opinion, would not provide any safeguard. If it means “deliberately”, then Exception 1 and Exception 2 become meaningless. If a man deliberately dissuades another or attempts to dissuade another from joining certain services, in that case he is brought within the purview of the clause in spite of these exceptions. But deliberate action is probably not represented by the word “wilfully”. The expressions commonly used in the Penal Code are two—with intention to cause a certain effect or with knowledge that a certain effect will in all likelihood be caused by a certain act of the culprit; but, in this clause, these expressions, intention and knowledge, have been avoided and the

expression "wilfully" is used instead. My own reading is that this word has been deliberately placed in the clause for the purpose of covering the criticism to which the clause would otherwise be open. In reality, this addition would not alter or limit the scope of this clause. It is too vague a term. The second expression which has been used loosely is "in good faith" in Exceptions 1 and 2. Exception 1 reads:

"This provision does not extend to comments on, or criticisms of, the policy of Government in connection with the Military, Naval, Air or Police service made in good faith and without any intention to dissuade from enlistment."

The expression "good faith" has been defined in section 24 of the Indian Penal Code as meaning "with due care and caution". If the words "with due care and caution" be substituted for the words "good faith" in this clause, it will read like this:

"This provision does not extend to comments, etc., made with due care and caution."

This will reduce this Exception to nullity. If the comment has to be made, how can it be made with due care and caution? What is the caution which has to be observed? But if the expression, on the contrary, means "*bonâ fide*" or with good intention or honestly, in which sense it seems to have been used, the Exception does provide some safeguard. Similarly, the expression "good faith" has been used in Exception 2. Here too the penal provision does not extend where the advice is given in good faith and for the benefit of the person advised. If I were to tell one of my friends not to enlist his son in the Army, I shall have to tell him: "I am afraid of giving you my advice, because it is an offence to say so; but I advise you that if you send your son there, certain consequences will follow". What will be the merit of that advice? Really this clause is so vaguely worded that any advice given, any suggestion made or any words dropped to any person with the idea of dissuading him from joining one of the services mentioned herein would bring a man within the scope of this penal provision. As far as I can understand the position, criminal law ought to be made very definite and very certain. The reason is obvious. The consequences of the criminal provisions are so very serious to the liberty of the person of the subject that the Legislature ought to be very careful in inserting a provision which does not convey the right idea to the person who reads that provision.

I submit, Sir, that this provision is simply uncalled for. My friends who have already spoken on this amendment have asked for facts which necessitate the enacting of a new offence of this kind, and I await an answer from the Honourable the Home Member on this point. But what I wish to emphasise is that such a provision will be used as a handle by unscrupulous candidates for public service to bring into trouble those from whom they happen to differ on political views. Unfortunately, in this country, public servants—I have to come into contact with a large number of them,—always look for their promotion by trying to earn the goodwill of their immediate superiors. One method employed for winning the goodwill of their superiors is to find out ways and means by which they can bring public movements into disrepute. The provision under discussion will certainly provide them with a handle though it may be enacted with the best of motives and in absolute good faith. Supposing a Congressman wants to criticise the judgment of a Magistrate, which is public property, and unscrupulous public servant can bring a case against



[Sardar Sant Singh.]

this Congressman on the ground that he tried to dissuade such and such a person from entering one of the services mentioned. Under these circumstances, I do not think I will be justified in recording my vote in favour of a measure which may possibly provide a handle for mischief.

Then, again, Sir, this is quite an unnecessary provision. After all, how many public servants are there who are willing to give up their posts today for their political views? How many applications are received when a vacancy is advertised? (*An Honourable Member*: "Crores.") Numerous applications are received. Therefore, what would be the effect of dissuasion on that? This Bill is intended to crush the civil disobedience movement which is regarded in some quarters as a form of revolutionary movement. Civil disobedience movement has been explained by its advocates as a movement of non-violence, as a movement of virtue, as a movement directed to set right palpable wrongs by adopting a course which is moral and disobeying laws which involve no moral turpitude. We know that a large majority of the people who have so far been tried for offences connected with the civil disobedience movement have had no criminality or immorality about them. If the new offence aims at putting down the revolutionary movement, non-violent or violent, it is sure to defeat such an object. Those who want revolution, would, on the contrary, be eager to join such services to affect the morale of such services in order to achieve their nefarious object. They would try to get in rather than to remain out.

**An Honourable Member**: Their character is verified.

**Sardar Sant Singh**: If their character is verified, as my Honourable friend says, then there is no necessity for such a legislation at all. It will be giving a handle to those whom you want to suppress. I, therefore, submit that this whole clause is unnecessary and impolitic and as such it will defeat the whole object you have in view. With these words, I support the amendment.

**Mr. B. Sitaramaraju** (*Ganjam cum Vizagapatam*: Non-Muhammadan Rural): Sir, I rise to support this motion. It would appear from a perusal of the clause that the worst offenders under this clause are the Government themselves, because we find that some of the finest Regiments in Madras have been disbanded and it is understood that some more Regiments are now under contemplation of being disbanded. Therefore, it would appear that a clause like this could be applied to the Government themselves because it can be reasonably shown that the Government are dissuading the public from entering the Naval or Military forces. But, in view of the fact, that that would not be done by this Bill and in view also of the fact that the Government have admitted that they have not got many cases to produce and justify that such has been the action of the public, I am constrained to think that there need be no reasonable apprehension on the part of the Government to come forward with a provision like this. With these few words I support the amendment.

**The Honourable Mr. H. G. Halg** (*Home Member*): Sir, I venture to agree with my Honourable friend, Mr. Reddi; that this is a salutary provision. I cannot, however, go with him when he says that it has been

introduced by the Government unwittingly. It has, in fact, been inserted in the Bill with due deliberation, and indeed, it seems to me strange that any one should suppose that any Government would acquiesce in such activities directed against the recruitment of essential services for the protection of the country. Consequently the objection that has been taken by Honourable Members this morning really centres on the point that there are no such activities, that this is an imaginary case that we have invented for the purpose in some obscure way of oppressing the people of India. It was said that, in the Select Committee when I was asked to produce evidence showing that these activities had been in operation, I was unable to do so, and it is suggested that since then I have been engaged in collecting the information which was not at that time available to Government. Well, Sir, the position really is this, that when this Bill was under preparation, we received the strongest representation from the Army authorities as to the necessity of including this clause. They assured us that there had been in fact a number of instances in which Congress agents had interfered with recruiting and it is a matter which they considered very serious and it was necessary to deal with it. At the moment that I was asked in the Select Committee whether I had any material, I had not got that material with me, but I have now a Note which in fact had been prepared previously which gives in some detail the facts on which the Army authorities based their representation.

Now, it has been said by my friend, Mr. Mitra, that there is not on record any Congress Resolution recommending this course of action, and it is, therefore, suggested that the Congress cannot be in any way instigating such activities and that, in fact, such activities cannot exist. Well, Sir, I would ask the House to reflect that there are various activities of the Congress which are pursued without the injunction of a special Congress Resolution. We are all aware that at one time, not very long ago, there was an epidemic of burning letters in post boxes. We know that even now from time to time the foolish practice is pursued of stopping trains by pulling communication cords. These things have not the authority of Congress Resolutions. Nevertheless, they are undoubtedly carried out under instigation from the Congress bodies.

I now come to the facts which justify the insertion of this provision, and I have to go back to the first civil disobedience movement in 1930. From about May, 1930, reports were frequently received from the recruiting officers that Congress agents were using every means in their power to prevent recruits from joining the Army. In some districts they achieved a certain degree of success—I would mention, in particular, Delhi and Garhwal. Instances were quoted in which they had compelled recruits to withdraw after they had actually joined the recruiting parties. The Congress activities in this direction continued throughout 1931. In spite of vigorous counter propaganda organised by the Army itself, the Army authorities did not consider these activities negligible. In 1932, an Ordinance was introduced which penalised these activities, and the effect was immediately apparent. No instances have recently been reported in which Congress agents have attempted to dissuade recruits from joining the colours, and, as long as this provision is in existence, we may anticipate that this particular attack on the Government will not make any headway.

It has been suggested by various Honourable Members that there is an unlimited supply of recruits, and consequently we need not be alarmed if a few recruits are in fact dissuaded. But, Sir, no Government can allow a

[Mr. H. G. Haig.]

movement of this sort to continue unchecked without serious risk of these activities affecting their credit among the very classes from whom they desire to recruit, and, if such activities were allowed to continue unchecked for some period, it might have very serious effects on the general temper of those classes on which the Army depends for its recruits.

I think I have said enough to convince the House of the necessity of this clause. (Loud Cheers.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question which I have now to put is:

"That clause 2 of the Bill be omitted."

The motion was negatived.

**Mr. S. C. Mitra**: Sir, I move:

"That in clause 2 of the Bill, for the word 'wilfully' the word 'maliciously' be substituted."

I know that by the addition of the word "wilfully" the clause has been much improved, and also an Explanation has been inserted to improve the clause. But my purpose, in substituting the word "maliciously", is that the onus may be on the plaintiff to show the malicious intent of the offender. In the Exception, it is the accused who shall have to prove good faith, and it is against the general principle of penal law that the accused should have to prove the absence of malice. The clause is too wide. It affects not only actual dissuasion, but any attempt to do so also comes under the purview of the law. So I want to substitute the word "maliciously" in place of the word "wilfully" as accepted by the Select Committee. Sir, I move.

**Mr. Goswami M. R. Puri** (Central Provinces: Landholders): I rise to support the amendment moved by my Honourable friend, Mr. S. C. Mitra. I find "wilfully" is a generic term and if the word "maliciously" is substituted, the whole clause will be acceptable to many of us. With these words, I support the amendment moved by Mr. Mitra.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): I rise also to support this amendment moved by my Honourable friend, Mr. S. C. Mitra. When I spoke during the Simla Session on this Bill, speaking on clause 2, I pointed out that this clause had been framed on too wide a basis and I pointed out that if the wife of a man tried to dissuade her husband from joining the Military service, lest if he went to field service and was killed, she would be left a helpless widow, that persuasion exercised by a wife, though perfectly legitimate and lawful, would be made a punishable offence by this clause. No reply was given to me, but apparently the Select Committee saw the force of my argument and have made a slight change. They have now added the words:

"This provision does not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given or for the benefit of any member of his family or of any of his dependents."

This is a great improvement on what was in the original Bill, but the amendment has been made on a narrow basis. Suppose a man wants to take up Military service. A near relation of his, who is not a member of his family, nor is he entirely dependent on that man, but who receives

great assistance from him in life, he may be a nephew or a brother's son, and if he, in good faith, without any malice or any intention to injure the Government, gives that advice, he will be liable to be prosecuted under this clause. There is nothing in the wording of this clause which would prevent Government from making this an offence. It may be perfectly true that it is not the intention of the Government to take up such cases. What I say is, if you put in the word "maliciously" instead of "wilfully", it will have to be proved that the man was actuated by malice, and that will save him. With that object, I support this amendment.

**The Honourable Sir Brojendra Mitter** (Law Member): I oppose the amendment. This amendment, in my submission, is entirely misconceived. The Honourable the Mover of the amendment, Mr. Mitra, has assigned the reason for his amendment as shifting the onus from the accused to the prosecution. That is the only ground which he has adduced in favour of his amendment. The clause, as it stands, does impose upon the prosecution the onus of wilful dissuasion. By substituting the word "maliciously" for "wilfully" the onus will be on the prosecution—as it now is under the clause, on the prosecution, to prove wilfulness. The difference is that the prosecution will have to prove malice instead of wilfulness. Mr. Mitra did not say a word on that subject and what that difference means. It is necessary, in view of this amendment as well as in view of several amendments which are to follow, that the exact legal position should be cleared up. I am afraid, in the course of the debate on this Bill, political considerations have completely befogged the legal aspect and I propose, with your permission, to go into the matter in some detail. It is well known to lawyers that wrongs or offences do not always import a malicious intention or, in the language of my friend, Mr. Sant Singh, the idea of criminality or immorality. It is well known that offences have been classified in the system of jurisprudence with which we are familiar under three heads. The first head of offences is intentional wrongs. The second head of offences is wrongs of negligence without any immorality or criminality, and the third, wrongs of absolute liability. This clause deals with wrongs of absolute liability. In the interest of the State or in the interest of public health or public morality, it is necessary that certain things should be prohibited. The mere disregard of that prohibition is a wrong. It is a wrong of absolute liability. All that need be shown is that in the interest of the State certain things cannot be done. If a man does it with the best intention in the world, he commits a wrong. With regard to enlistment, it is obvious to everybody that in the interest of the State enlistment should not be discouraged in any way. It is necessary for the safety of the State that enlistment should be free and unhampered and, therefore, it is necessary to lay down a law prohibiting discouragement of enlistment. Now, any disregard of that prohibition would be an offence. In support of what I have said I will only draw the attention of the House not to the *ipse dixit* of political lawyers, but of a jurist. I am quoting from an elementary book on jurisprudence by Sir John Salmond. In his book on Jurisprudence, at page 391, it is stated:

"It follows that in support of the requirement of *mens rea* wrongs are of three kinds, first, intentional or wilful wrongs in which the *mens rea* amounts to intention, purpose or design. Second, wrongs of negligence in which the *mens rea* assumes the less serious form of mere carelessness as opposed to wrongful intent and, thirdly, wrongs of absolute liability in which the *mens rea* is not required, neither wrongful intent nor culpable negligence being recognised as a necessary condition of responsibility."

[Sir Brojendra Mitter.]

Sir, the amendment seeks to take this particular wrong of dissuasion from enlistment from the third category into the first category. Mr. Mitra did not say so in so many words, but that is the effect. Once we introduce the element of malice, then it becomes an intentional wrong and not a wrong of absolute liability. I shall presently show to what absurdity that will lead us. But it is necessary before I show that to explain the meaning of the word "malice" in law. Sir, the popular meaning of the word "malice" is not its legal meaning. In law, it has got a definite meaning. "Maliciously" has been defined as "an intention to do an act which is wrongful to the detriment of another".

**Mr. Amar Nath Dutt:** What is the name of the author? What book is that?

**The Honourable Sir Brojendra Mitter:** I will give it to you in a minute. I am not saying anything without authority.

**Mr. Amar Nath Dutt:** Beginning from Sir John Simon.

**The Honourable Sir Brojendra Mitter:** It is from Stroud's "Judicial Dictionary". I hope my Honourable friend has heard the name of that book.

**Mr. Amar Nath Dutt:** I have got a copy of that book in my hand.

**The Honourable Sir Brojendra Mitter:** I am very glad. Sir, the word "maliciously" is defined like this. "It connotes an intent to do a wrongful act.—'Maliciously' in legal sense means and implies an intention to do an act which is wrongful to the detriment of another." There are two elements in the word "maliciously"—the first element is the element of intention and the second element is that the intention is wrongful to the detriment of another. Now, if the word "maliciously" were used in this clause, how would the clause read? It would read like this:

"Whoever intentionally dissuades any person from enlistment to the detriment of the State."

Now, if "detriment to the State" is implicit in the dissuasion, then this clause would be meaningless. "Whoever intentionally dissuades another from enlistment to the detriment of the State." The "detriment to the State" is there in the dissuasion itself! Therefore it would be senseless to repeat it. Then, my friend, Mr. Mitra, wants to throw the onus on the prosecution. Onus of proving what? Onus of proving not only intention, but that there is detriment to the State. If one person is dissuaded, it may be said there are ten other recruits available. Therefore there has not been any detriment to the State. It is not the actual result, but it is the tendency which is material. If one person is dissuaded from enlistment, there is really no detriment to the State, because there are hundreds of other recruits available; but if this is repeated in a hundred cases, it is then and then only that the detriment becomes manifest. Therefore, in a case like this, detriment to the State cannot be proved in an individual case. When my friend, Mr. Mitra, said he wanted to throw the onus on to the prosecution, it was an insidious attempt to defeat the whole clause, because detriment to the State can never be

proved in an individual case. Sir, there is a further objection to the use of the word "malice" in this clause. As I have shown, it will read nonsense if you introduce the word "maliciously" there. I have shown that by paraphrasing. In support of that, I desire to draw the attention of the House to another passage in Stroud's book. Stroud says this:

"The word 'malice' seldom has any meaning except a misleading one. It refers not to intention, but to motive and, in almost all legal inquiries, intention as distinct from motive is the important matter. Another objection to it is that its popular meaning is not pure ill-will, but ill-will which it is immoral to feel."

Sir, it is for this reason that the word "maliciously" is seldom used by draftsmen now-a-days. It is to be found in many old books; I do not dispute that; but when these old Acts came before the Courts and the Courts had to interpret those Acts, they found that the word "malice" or "maliciously" was very misleading. So, Sir, my objections to this amendment are, firstly, that it would make a wrong of absolute liability into an intentional wrong, whereas the wrong with which we are dealing—dissuasion from enlistment—ought to be, in the interests of the State, an absolute wrong. My second objection is that the word "maliciously" in this clause would make nonsense of the clause. And my third objection is that by throwing the onus of proving malice on the prosecution, you will be defeating the whole object of the clause. My fourth objection is that the word "maliciously" is a misleading word. When we are enacting a new law, we ought to make it plain, clear and intelligible and not open to any ambiguity. Sir, there is one more word I need say and that is this. My Honourable friend, Sardar Sant Singh, objected to the word "wilful". He said it was too vague, it was meaningless, and all that. The answer was supplied by Mr. Mitra when Mr. Mitra started his speech by saying that the addition of the word "wilfully" had greatly improved this clause. Sir, I oppose this amendment.

**Mr. Amar Nath Dutt:** Sir, I have heard with great attention the learned arguments of the *ex-Advocate-General* of Bengal, but I regret very much that I am not convinced either by the reasons set forth by him or by the enunciation of legal principles with which he wanted to convince this House.

**The Honourable Sir Brojendra Mitter:** If you will permit me, Sir, I omitted to mention one thing and it is this—that the only other analogous section in the Indian Penal Code that I have been able to discover is the section dealing with abetment of desertion. Of course enlistment comes before a man is actually in the Army; desertion comes in the next stage. I want to draw the attention of the House to the analogous section of abetment of desertion. That is, Sir, section 135 of the Indian Penal Code. It runs thus:

"Whoever abets the desertion of any officer, soldier, sailor or airman in the Army Navy or Air force of the Queen shall be punished with imprisonment of either description", *and so on.*

So, again, it is mere abetment of desertion without intention, without malice and without any other motive. Thus in the Indian Penal Code itself, in the analogous section it has been made an offence of absolute liability and not an intentional wrong.

**Mr. Amar Nath Butt:** Sir, I expected a far better exposition of the law of malice from an *ex-Advocate-General* who is now the Chief Law Officer of the Crown instead of depending upon this old Lexicon. It may be that people who have not the same status of an Advocate as my Honourable friend, the Law Member, in spite of the attempts which I have often made here and in spite of the strongest opposition of my Honourable friend, the Honourable the Law Member, to the distinction which he wants to perpetuate between an English Counsel and an Advocate enrolled in India and which will remain so long as my Honourable friend adorns the high office, may not see eye to eye with him. In fact, at one time during his temporary absence I wanted to have that Bill passed, but I found that his worthy lieutenant, Sir Lancelot Graham, prevailed upon the then Law Member to have it postponed in compliance to the desire of the permanent incumbent. Sir, I do admit that I was not a brilliant law student. I neither had a first class in my law examination nor I happen to be a member of an English Bar. But, whatever may be my knowledge of law, I can assure my Honourable friend over there that I knew the name of that book and the name of the author of that book before he was pleased to enlighten us on the subject. Now, Sir, from that book I shall quote to him the meaning of the word "malicious". It says: Malice is "A wrongful act done intentionally without just cause or excuse." I will lay special stress upon the words "without just cause or excuse". From a perusal of the note of my Honourable friends of the Select Committee, you will find, Sir, that they have observed as follows:

"In recasting the Bill, clause 13 has been combined with this clause. We have inserted the word "wilfully" and we have introduced additional safeguards."

Now, Sir, they congratulate themselves for having introduced the word "wilfully" and, further on, they proceed to say:

"We desire to protect, as far as possible, honest criticism made in good faith and have provided for this by our first Exception."

The first Exception runs thus:

"This provision does not extend to comments on, or criticisms of, the policy of Government in connection with the Military, Naval, Air or Police service made in good faith and without any intention to dissuade from enlistment."

I take it that it is the desire both of the Honourable the Home Member as well as of the Law Member that comments made in good faith and without any intention to dissuade from enlistment are permissible. That being so, let us see what my Honourable friend, Mr. S. C. Mitra, seeks to introduce in the clause by his amendment. He wants to introduce the word "malicious", and what is the meaning of this word that is to be found in the very book to which my Honourable friend over there has referred. Of course, he read from the latter part and I shall read from the first part. It says:

"'Malicious' means a wrongful act done intentionally without just cause or excuse."

I take it, Sir, that it was the intention of the Honourable the Home Member as well as of the Law Member that only such acts as dissuasion or persuasion done intentionally and without just cause will come under this clause and they have provided for a just cause in the Exception for which they congratulate themselves. That being so, I fail to find any

good reason for which the Honourable the Law Member could object to the substitution of the word "maliciously" for the word "wilfully". Now, Sir, the word "wilfully", we may take it, has a significance which is understood in ordinary parlance. There is not much difference in its significance in law. Then, Sir, I congratulate the Law Member for the very illuminating analysis from a book of a great jurist whose name will be remembered—I do not know whether it will be remembered with gratitude by any section of the community—in this country so long as the connection of this country lasts with England for the Commission over which he presided. Sir, we knew that Sir John Simon was a great advocate and recently we have come to know that he is also a great jurist from my Honourable friend, the Law Member.

**The Honourable Sir Brojendra Mitter:** I did not say Sir John Simon: I said Sir John Salmond.

**Mr. Amar Nath Dutt:** I beg his pardon, but the Calcutta University prescribes certain text books on Jurisprudence and I think my Honourable friend over there had to pass the same examination in Law as I did in the Calcutta University. I think, during our student days, we never heard the name of that great jurist and I challenge my friend to say that when he was a law student he also knew that Sir John Salmond was the author of a text book on Jurisprudence. He might have come into prominence only recently.

**The Honourable Sir Brojendra Mitter:** I have quoted from the eighth edition of that book.

**Mr. Amar Nath Dutt:** I do not know when the first edition of the book was published, but I would ask my Honourable friend to answer whether he really heard the name of that jurist when he was a student of law?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I should like to know what bearing that has on the motion under discussion. Let us discuss the Bill which is now before us.

**Mr. Amar Nath Dutt:** I am told by my Honourable friend over there that salmon is a kind of fish and, if that is so, let the Honourable the Law Member have it. My Honourable friend has also referred to an analogous section in the Indian Penal Code, section 135, which deals with abetment of desertion. If the provisions are there, I submit, what further necessity there is for introducing this clause in the Bill under discussion. He ought to have supported the previous amendment of my Honourable friend, Mr. Mitra, for the deletion of the whole clause. In fact, I am convinced that the law of the country, the Criminal Law as it stands, does not need any very elaborate addition at the present time in order to meet whatever situation there may be in the country, and this clause, if not deleted, at least should be recast by omitting the word "wilfully" and substituting therefor the word "maliciously".

**The Honourable Mr. H. G. Haig:** I do not think I have anything to add to the learned exposition of law given by my Honourable colleague, and I certainly should not venture to step into the arena of legal arguments, as between him and my Honourable friend, Mr. Amar Nath Dutt.



**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is.

"That in clause 2 of the Bill, for the word 'wilfully' the word 'maliciously' be substituted."

The motion was negatived.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

**Mr. S. C. Mitra:** Sir, I move:

"That in clause 2 of the Bill, for the word 'wilfully' the words 'without any reasonable cause' be substituted."

In moving this, I feel no diffidence though I know there are very few Members present on this side of the House as well as on the other side. I think it my duty to draw the attention of the House to all points where, I think, an improvement should be made in this very drastic Bill. This motion wants to say that when there are any reasonable grounds for a person, he should not come under the mischief of this clause. The Honourable the Law Member made it clear that no mischievous intention is necessary and when there is such a result of dissuasion there should be no escape from the provisions of this clause. I was thinking whether honest criticism, which may have the effect of dissuasion, should not be provided for as an Explanation. It may be that a public speaker, in addressing the general public, might say that it is derogatory for Indians to enlist in the Army so long as there is the racial discrimination of Indian officers being placed in charge of Indian Regiments alone and of European officers not being placed under them. The effect of some such speech may have resulted in dissuading some of the candidates from going in for higher Military service.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Read the first Explanation which we have added in the Select Committee.

**Mr. S. C. Mitra:** I request my Honourable friend to read it more carefully instead of asking me to read it. Here it is said that even an intention to dissuade from enlistment will be punishable. My intention in making that speech may be to say that unless these derogatory conditions and racial discrimination that prevail in the Army are removed, Indians should not enter these services. Here it may have the effect of dissuading in an indirect way. But though it may have that effect, I want to put some such clause that if there is any reasonable cause for it, then he should not come under the provisions of these penal laws. So even after Government's unwillingness to accept the word "maliciously" for "wilfully". I think they may agree to substitute the words "without any reasonable cause" for the word "wilfully".

Sir, I move.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I rise to support this motion of my friend, Mr. Mitra, which, I think, is a very reasonable one. Government have practically accepted the principle underlying this motion, namely, that mere dissuasion will not be sufficient to bring a person within the provisions of this clause. That is the reason why they have made two Exceptions. One is that if I am interested in any person and I dissuade him, that has been considered to come within the category of reasonableness. Mr. Mitra's amendment is that instead of the two illustrations, the word should be "reasonable" throughout. In this connection one may refer to the provisions of clause 7, where a similar provision has been made, where, in addition to the intention of dominating over the mind of any person, certain overt acts are given. In this case, no overt acts are necessary, because, as the Honourable the Law Member said, mere dissuasion should be considered an offence. His reference to section 135 does not help at all, as that is a more heinous offence, *viz.*, I abet a man in deserting a service in which he has been working. "Abets", under the definition in the Penal Code, connotes, I think, also intention. Therefore, there should be an intention of causing that man to desert and, therefore, mere desertion has not been considered to be an offence. In this clause the Government go further. It says that mere dissuasion of a person or a section of persons who were likely to have been recruited for the Army or the Navy or for the Police must be considered to be an offence. But Mr. Mitra's proposition is that when there are reasonable grounds for dissuading a person, he should not be punished. I see no objection to this because, as I said before, the principle has already been accepted and embodied in the two Illustrations given under this clause. Sir, I support the motion of Mr. Mitra.

**The Honourable Sir Brojendra Mitter**: Sir, I oppose this amendment. The only ground on which Mr. Mitra has supported his amendment is that honest criticism in certain circumstances should not be made penal; and, by way of illustration, he gives the case of a public speaker who advocates dissuasion on the ground that racial discrimination exists in the Army, and he says, the effect may be dissuasion, but the motive is noble. Sir, here again is a confusion of thought. Criminal law takes no account of motive. It takes account of intention, and it is this confusion between motive and intention which underlies this amendment. If it is conceded that dissuasion from enlistment is an offence of absolute liability, then if you bring any exception of reasonable cause, you leave it at large. What is the reasonable cause? We have provided for two reasonable causes: that is to say, when a person, in the interests of the prospective recruit, dissuades him—that we consider to be a reasonable cause and we have provided for it in Exception 2. The other Exception is this: as regards racial discrimination or other matters of policy, if there be criticism, it is covered by Exception 1. Besides these two causes, what other reasonable cause there can be has not been indicated by either of the two speakers. So there is really no ground in support of the amendment. Sir, I oppose.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in clause 2 of the Bill, for the word 'wilfully' the words 'without any reasonable cause' be substituted."

The motion was negatived.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, my amendment is this. I move:

"That in clause 2 of the Bill, for the words 'dissuades or attempts to dissuade' the words 'or designedly deters or attempts to deter' be substituted."

My amendment is in two parts: one is that I want the word "designedly" to be introduced into this clause, and the second is that instead of the word "dissuade" I want that the word "deter" be substituted. The provisions of this Bill are admittedly drastic; it is admitted by Government that for this emergent occasion they stand for a very drastic measure. But it is a duty cast upon those, who want that such a drastic measure should be accepted, to see that all the rigour or severity of the clause is softened and, with that view, I submit that these amendments are being introduced. It is, therefore, very necessary to introduce some such words as would go beyond the word "dissuade" alone, which may mean giving of advice alone to make up the offence. That would soften the rigour of the clause. Otherwise, remember, the Government are giving this measure into the hands of the police and a mere word used in casual conversation or giving a private opinion whether a particular person should enter into any service or not would be misconstrued, twisted and turned. I submit that in the first place I do not agree with the Honourable the Law Member who lays down false premises first and then says that no safeguard is necessary. His interpretation is that it is *per se* a detriment to the State if only a man is dissuaded from entering a service. I submit that is absolutely wrong. If you are only giving advice, it would not be to the detriment if it is not done with a certain purpose or is due to a plan or an intention. The Honourable the Law Member fought shy of the word "malicious" to be incorporated in the clause; he perhaps thought that it would be very much to be proved before a conviction is obtained. But then one thing having been recognised that this Bill is going to be put on the Statute-book for the purpose of combating civil disobedience and for no other purpose, if the word "willful" only is used it will not reflect the required purpose. The purpose for dissuading one may not be for the purpose of civil disobedience and still the man will stand convicted. Therefore I am suggesting a word lighter than "malicious" and having a meaning which would cover the very object of this Bill, and that is the word "designedly". The accused should have a plan for dissuasion and he should be one of those persons who is a supporter of the civil disobedience movement whom the clause should apply. A man who only gives advice or casually mentions his opinion may be caught in the snare. Therefore to protect such men I want that the burden of proof should not fall on them to prove that they did the act in good faith. This clause, as it is now worded, puts the burden upon the accused and turns the tables against him for mere advice. It is being urged that provisions have been added to the clause which would enable the accused to show that he had given that advice in good faith. I submit that that will be against the fundamental principles of the law of evidence. When a prosecution is launched, it is not that the prosecutor has simply to prove that the accused gave the advice: it must be proved that he did not stop at giving the advice, but that he did do some overt act to dissuade the will of the person so advised. The mere giving of advice may be taken by the police officer to constitute the offence in order to shove a man into a Court where he has to prove that he did not commit a crime: the burden

will be upon him to prove his *bona fides* and good faith. I, therefore, submit that the Treasury Benches, specially the Honourable the Law Member, upon whom there rests a great responsibility in this direction, should not merely ask for a blank cheque to be put in their hands and they should not reject reasonable amendments like these. We know their numerical strength: with the help of non-official Nominated Members, the officials and some other Members who are favourites of the Government, the Government can get this Bill passed in this manner; but it is a serious duty imposed upon the Government to see that they should not insist upon seeing this Bill passed even without a comma being changed. Therefore they should ponder and consider which amendment should be accepted and which should not be accepted. Government are actually changing the burden of proof and that will be against all principles of law. Further, I submit that the word "dissuade" is very flexible and liable to be misused. Therefore there ought to be some safeguard and, for that safeguard, the Law Member should accept an amendment which tallies with some of the provisions which they have themselves used. I will explain why I use the word "deter". Now, deter is not mere advice. "Deter" would mean prevent. It will be not by a mere request, but by either observing a Dharna before him or by certain overt acts. Therefore, merely making a request or giving advice should not be treated as an offence. We find the same intention is expressed in clause 7. What does this clause 7 say? Clause 7 says this:

"Whoever with intent to cause any person to abstain from doing or to do any act which such person has a right to do, or to abstain from doing, obstructs or uses violence to," etc.

So there is the domination of one's will here, and there is an overt act. Why should such terms come under picketing only and not in this clause, I cannot possibly understand. Therefore, the word "deter" would include something more than mere advice. I would, therefore, submit that both parts of my amendments are very modest and should be accepted by the House.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** I had no desire to take part in the discussion of this amendment, but certain remarks which have fallen from the Honourable Member who preceded me have compelled me to say a few words. Sir, it has been customary for the Opposition to get up at every opportunity and malign the poor Nominated Members. ("Hear, hear" from the Nationalist Benches.) It seems the Opposition are under a grave misapprehension. They must understand that the Nominated Members are as good a part of this Constitution as Elected Members. The present Constitution provides that there shall be so many Nominated Members in the Assembly, and therefore it is not by any favour of the Government or by connivance of the Opposition that the Nominated Members are sitting in their seats today. I may tell my Honourable friends opposite that the moment the present Constitution is changed, they will find most of the Nominated Members occupying the elected seats (*An Honourable Member:* "Question.") (Laughter), because, Sir, elected seats are not the monopoly of the Congress people. Now, what do we see here? Mr. Patel's successor is Mr. Anklesaria, whose sympathies with the Congress are too well-known to need special mention. This shows that the country is tired of them. Therefore, I would request my friends opposite that they

[Hony. Captain Rao Bahadur Chaudhri Lal Chand.]

should give up the practice of maligning each other. Everybody is here by right. Let the Constitution be changed and the Nominated Members will disappear at once.

**Sir Muhammad Yakub:** But most of them have vacated their seats.

**An Honourable Member:** But what is your opinion about the motion?

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** I need not say anything on the motion itself, because that has been very well discussed in the previous amendments. I oppose this amendment.

**Sardar Sant Singh:** Sir, I rise to support this amendment, though I find some difficulty to follow the wording of the amendment. The amendment says that in clause 2 of the Bill, for the words "dissuades or attempts to dissuade", the words "or designedly, deters or attempts to deter" be substituted. I have not been able to follow the significance of the word "or"; but I support the substance of the amendment as explained by the Honourable the Mover. My submission is that the clause, as it originally stood, has been explained by the Honourable the Law Member as denoting that the Government want that out of the three categories of crimes, namely, the intentional crime, crime due to negligence and the absolute liability for an act, it should fall in the third category, and, therefore, they have placed the expression "wilfully" there. I want to invite the attention of the Honourable the Law Member to the fact that originally when the Penal Code was drafted, the expression "wilfully" was used in section 39 of the Indian Penal Code, but, later on, that was dropped and the expression "voluntarily" was substituted in the Code. The expression "voluntarily" has been defined there. This is what it says:

"A person is said to cause an effect voluntarily when he causes it by means thereby he intended to cause . . . ."

But in the proposed Bill if the expression "voluntarily" had been used, one could have understood the position, because it would convey the meaning of the Penal Code. But that expression is avoided and no definition of the new expression "wilfully" is given.

Coming to my Honourable friend's amendment, he wants to substitute the words "designedly, deters or attempts to deter" for the expression "dissuades or attempts to dissuade". The amendment is certainly clearer and more definite. The amended clause could be applied with certainty on a given set of facts before the Court. We all know that dissuasion covers a mere advice without ascribing any conduct to the accused. If I walk with a prospective public servant and tell him "do not join such and such service", I can be brought within the purview of this clause, — but by using the word "deter" the offence will be committed if certain overt act, some definite conduct of the accused is proved. So far the Criminal Law in this land takes note of acts or omissions, but it has not given itself to punishing the people on mere statement except in defamation cases or other like offences. Here you want to create a new offence, and that, too, at an age when numerous candidates are available for a vacancy. But the Honourable the Home Member says that there is some prestige and credit for the public service and he wants to keep

it intact. I can understand the anxiety of the Government to keep the prestige and credit of the people who are already in public service, but why there should be so much desire on the part of the Government to protect those who intend entering the public service; this provision, as already submitted, Sir, will provide a handle to those who want to get into the public service. What are the conditions today? When applications are made for an appointment in the public service, we find very little space is given to the personal qualifications of the applicant for the job, but the political services rendered by the applicant or his family are narrated *ad nauseam*. This attitude is encouraged by the authorities and the applicants take full advantage of it and cater to their desires.

3 P.M. We, who are practising in the original Courts, know that people come forward to give evidence for the police in order to obtain chits, and these chits are used as qualifications for securing appointments in the public services. Here is given another chance to that class of people. I do not know how matters go on in other parts of the country, but, in the Punjab, you will find almost every headman carrying a book with him under his arms. In that book they get written, "This man came to see me. He seems to be desirous of serving the Government loyally. I recommend him to the other officials." (*An Honourable Member*: "The condition of the Punjab is quite different.") Now you are creating another offence by which you will get more marks for these kinds of people. If you really want to avoid the danger which, in our opinion, is only imaginary, but which you think to be real, you should at any rate have the decency of ascribing some act to the culprit before you punish him. Here there is only a statement which is being made punishable. If such a thing becomes a law, I do not think the administration stands to gain very much. The administration will be condemned by the public, which has already been brought to so much contempt by the over-anxiety of the administration to arm itself with repressive powers. Therefore, my view is that this is a very modest amendment and the Honourable the Home Member should accept it. I support the amendment.

**Mr. Amar Nath Dutt:** In supporting this amendment I am glad that we have not got to go to any *law lexicon* to find out the meaning of a particular word which has one meaning for the lawyers and another meaning for the layman. Here the amendment seeks to substitute for the word "wilfully", which has not been defined here nor has it been defined in any other Act in force at the present moment—be that as it may, there is no definition of the word "wilfully", and, therefore, my friend uses a word which any layman can understand, and it will also serve the purpose of the Government. I do not think that my Honourable friend, the Home Member, or my Honourable friend, the Law Member, will have any objection to its acceptance. I have no quarrel with the Nominated Members, and I sympathise with my Honourable friend, Captain Chaudhri Lal Chand, and I may say that we have more sympathy for Captain Lal Chand than with Mr. Lal Chand. Be that as it may, as a lawyer I expected Captain Lal Chand to support this amendment, but neither does he support nor oppose the same. On the whole, I think it will be acceptable to the Home Member and the Law Member, because there is no difficulty in having these words changed so as to make the meaning understandable to that body of officers who administer the Criminal Law

[Mr. Amar Nath Dutt.]

in the mofussil Courts and hardly have any knowledge of law—I mean the Magistrates who have to administer the law, be they civilian Magistrates or Magistrates recruited in India. We know that they are too eager to put a meaning on certain words which would please the powers that be, rather than accept the ordinary meaning, nor do they care to understand the real import of the legal phraseology used. Over-zealous executive officers will not be able to put a meaning into the phraseology which the Legislature did not mean, and I hope the Home Member will be able to accept this amendment, knowing as he does the views of those who know the mentality of the executive officers in the mofussil.

**The Honourable Sir Brojendra Mitter:** I am very sorry I have to oppose this amendment, but I can assure my Honourable friend, Mr. Lalchand Navalrai, that my opposition to it is not based upon the assurance of a majority in the House. We have considered the wording of this Bill very carefully and the phraseology chosen was not haphazard nor designed to arm the executive with unnecessary powers. The amendment is that the word “wilfully” should be substituted by the word “designedly”.

**Mr. Lalchand Navalrai:** I have said “wilfully or designedly”. My idea is that “wilfully” means on purpose and “designedly” on an ulterior purpose. I want both these words. Both should remain.

**The Honourable Sir Brojendra Mitter:** One objection which has been taken to the word “wilfully” is that it is not defined in the Indian Penal Code. Therefore, the suggestion, I take it, is that there is ambiguity about it. Sir, the word “designedly” is not defined in the Penal Code either, so that the objection applies equally to the word “designedly”. Where an expression is not defined, you have to look to its ordinary dictionary meaning. That is the law. I consulted the Oxford Dictionary. “Design” means a “plan”, and “designedly” means “in pursuance of a plan”. Therefore, if you introduce the word “designedly” here, you have got to prove something in the nature of a conspiracy. Now, in the case of an absolute liability, if you are called upon to prove a conspiracy, you really defeat the purpose of that law. You may prove that a man goes about telling people not to enlist, but you may not be able to prove a conspiracy, that he is in league with somebody else to do that. We know from our own experience and from the facts which my Honourable colleague, the Home Member, placed before us this morning, that attempts were made during the last two years, before the Ordinance was promulgated, to dissuade people from enlisting. We want to stop that. If we are asked to prove a conspiracy, then the Legislature will deny to us the weapon which we want in order to fight this particular menace to the body politic.

**Sardar Sant Singh:** The object then is not to suppress the civil disobedience movement. If it were the object, then the plan or design would be that of the Congress.

**The Honourable Sir Brojendra Mitter:** That may be so, but my point is this. It will be difficult, almost impossible, to prove a conspiracy. We want a law which will be effective. If you make the law in such a way that it will not be effective, you might as well not enact it at all.

The other point which was taken by Mr. Lalchand Navalrai was that the clause, as it stands, might draw within its ambit a person who casually advises another not to enlist. I beg to differ from him. The word "wilfully" clearly shows that he must do it deliberately and not casually or accidentally. If a man does a thing deliberately, it is then and then only that he will come within the mischief of the clause. Then he says: "Oh, 'wilfully' is an expression which has been dropped in the Indian Penal Code and the word 'voluntarily' has been substituted in some section or other". I may refer my friend to at least two sections in the Indian Penal Code in which the word "wilfully" still stands. They are sections 405 and 477-A. Why should the word "wilfully" be substituted by the word "designedly"? All we are providing for is that if a man goes about deliberately dissuading people not to enlist, then he commits an offence of absolute liability. If you bring in either a plan or design or intention, then, in the language which I used this morning, you would be transferring the offence to the first category of intentional offences. That we are not prepared to do because, in our view, this is an offence which carries with it the germ of mischief. When a person is dissuaded from enlistment, that is lending his support towards the defence of the country, the mischief is there. We want to keep that offence under the category of absolute liability and we oppose any attempt to transfer it to the category of intentional offences. Then take the word "deter". It has been suggested that "deter" is a better word than "dissuade". Why is it a better word? Dissuade means "advice against". That is the dictionary meaning. "Deter" means discourage or hinder. If you accept the word "deter", it brings in not merely advice, but may bring in physical hindrance. You are unnecessarily introducing an ambiguity into the clause which is not there now and, therefore, my submission is that the word "dissuade" which is well known, should stand. Why change that and introduce a word which may bring in an element of ambiguity. Sir, I oppose this amendment.

**Mr. S. C. Mitra:** I think the amendment of my Honourable friend, Mr. Lalchand Navalrai, is an improvement on the one I myself suggested. To a plain and simple man the difference between dissuasion and deterring is simply this. In dissuading the speaker may succeed in inducing the other man to agree with his views, while deterring means that by some overt act or by any other way he may stand in the way of the man enlisting. So there is a clear meaning why the Mover of the amendment wanted to substitute these words. I support the amendment.

**Mr. B. R. Puri** (West Punjab: Non-Muhammadan): Sir, at this stage to speak on any amendment is practically flogging a dead horse. At the same time the elucidation of the law which has been made by the Honourable the Law Member prompts me to say just a few words as to the purely legal aspect of the question that he has propounded. It has been for the first time explained to us that the present offence is on par with a class of offences which are *per se* so pernicious that regardless of intention or knowledge or will or design, the act is *per se* of such a nature that in the interests of the State it should not be qualified or its effectiveness should not be encroached upon by any qualifying words of the nature of knowledge or intention or will or design. In other words, we have been seriously told that this offence is on par with offences of the nature of



[Mr. B. R. Puri.]

section 124A or section 121, namely, acts which by themselves are of such a heinous character, as for example, to wage war against the King, where no question of intention comes in. It is an offence which falls very rightly and legitimately in the category of offences which place an absolute liability on the subject. Whoever infringes that law cannot escape from the consequences of having broken that law on the ground that he had no such intention, design and that he did not do it deliberately. His intention would be absolutely immaterial. If that be the correct view, then might I ask the Honourable the Law Member how does he justify his two Exceptions which he has himself provided under this particular clause. The Law Member has stultified himself when, on the one hand, he says that we cannot afford to let the effectiveness of this clause to be impaired because, according to his lights, it is an offence of sufficient heinousness that an absolute liability must be imposed upon the person who commits that act. May I, in all seriousness, ask him, if he is serious in expounding that view, with what justification does he provide channels of escape which are the subject-matter of his exceptions which provide that in certain cases an act which would ordinarily be an offence would not be an offence? In other words, if a certain set of circumstances are made out by an accused person, what, in the absence of those circumstances, would be a bald offence, would be removed from the category of that offence on account of those circumstances having been established in favour of the accused. In other words he thereby admits that that is not an act which places an absolute liability upon the offender. Sir, the two positions to my mind are inconsistent. Therefore I would expect my Honourable friend to clear the position. Sir, when propounding this proposition that they are compelled not to permit any qualifying words being imported into this provision by way of channels of escape because that it would alter the character of the liability, because according to them they say that it is an absolute liability and, therefore, by allowing any words to be imported into the clause, its effectiveness, they say, would be impaired, the position of the Government does not become sound. They have admitted that their argument is not a genuine argument, inasmuch as they themselves have shown that this is an offence which could be brought within the liability.

Now we do not conceal the fact that the object of all these amendments is to mitigate the rigour of this otherwise most unreasonable provision. Since we have not succeeded in throwing out this particular clause of this Bill, we are making such effort, as we are able to, with a view to reducing the rigour of this otherwise pernicious provision and all these amendments are intended to secure that object. Now it has been all along the case of the Opposition that we wanted that some sort of provision might be made under which this particular offence might be brought on a par with all other known offences, namely, in the sense that it should be placed upon the prosecution to establish the offence. Sir, we have rendered ourselves hoarse in trying to convince the Government, but our efforts have so far proved futile. Now, our friends across the floor of this House assure us that as long as the effectiveness of this provision is not impaired, they would be willing to meet us as far as they can. That is their position. The object which we had in our mind was that either intent or some other word which would place upon the prosecution the burden of proving the offence might be introduced into the Bill. They say:

"We are not going to agree to any suggestion of that kind, because if you take this offence from the third category into category No. 1, it won't do". If this is their difficulty, might I ask, for whose benefit you have provided this word "wilfully"? I could very justifiably ask the Government: "Was it really as a toy that it was provided, because there were children clamouring for it, and that in order to quiet them down, the Government have made an addition of the word 'wilfully'—because on your own word you admit that by introducing this word the effectiveness of the clause has not in any way been affected?" If that view is correct, then whether the Government added the word "wilfully" or eliminated it would not make the least difference. It is as good or as bad as if it did not exist. If it is not going to benefit an accused person, then, merely, in order to be able to say that we have made some sort of alteration, the Government cannot justifiably take any credit for themselves. As a matter of fact we have been waiting with a great deal of anxiety to hear one word in support of this word "wilfully" having been introduced,—in what way it was going to benefit the accused. I was expecting that the Honourable the Law Member might throw some light. As it is, he has not chosen to go beyond this that even his Honourable friend, Mr. S. C. Mitra, thinks that the introduction of the word "wilfully" is an improvement. He has taken for his support the opinion of another Honourable friend. But, so far as his original view as to how far that is *per se* an improvement is concerned, he has failed to enlighten the House upon it, and I would even now ask him through you, Sir, if he will even now at this late stage oblige this part of the House by telling us in what way and to what extent an accused person stands to gain anything by the introduction of the word "wilfully" which did not exist in the original draft. What I would ask him is, what would the prosecution be required to prove now, in addition to what they were required to do when this word did not exist before? That is all.

**The Honourable Mr. H. G. Haig:** Sir, I have only a few words to say. The amendment is, as I understand it, confined to two points. It proposes, in the first place, to substitute for the word "dissuade" the word "deter". As regards that, it is, in the main, a drafting amendment. I have not understood in what way the word "dissuade" is unsuitable for the purpose that we have in mind, and I have not been able to understand in what way "deter" is regarded as something preferable. It is true that my Honourable friend, Mr. Mitra, if I understood him aright, suggested that it is a wider word and that we should be able by the use of the word "deter" even to secure convictions otherwise not possible. But, Sir, we are perfectly satisfied with the well-understood word which has been included in the Bill. On the other point regarding the word "designedly", that has been so skilfully argued by my Honourable friend, the Law Member, what we intend by this clause is to ensure that the action should be a deliberate action—"wilfully dissuade"—, but we cannot agree to have to prove that it is part of a design, or that it is carried out with a particular intention. Sir, I oppose the motion.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in clause 2 of the Bill, for the words 'dissuades or attempts to dissuade' the words 'or designedly, deters or attempts to deter' be substituted."

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

"That in clause 2 of the Bill, for the words 'one year' the words 'three months' be substituted."

Sir, it is admitted that this is an offence of new creation. It is further admitted by the Honourable the Leader of the House himself that there will be an absolute liability and no pleading of absence of deliberate intention will in any way help the accused. It is a fact that when challenged, the Honourable the Home Member had to admit that though there were a few cases about the Army, there was not a single case as regards the other services,—for example, the Naval, Air or Police services. It was our contention from the very beginning that if there had been any real danger, then a law of this kind was not unthinkable, but when, on mere fanciful and imaginary grounds, this new offence is being created, the severity of the sentence should be the least. All our attempts to mitigate the rigour of this unreasonable law having failed, we now appeal to Government that at least the penalty might be lessened. May it not be an instrument of tyranny and torture on the poor illiterate people, and may not the unscrupulous officers in the Police and other departments take advantage of this? So, I am suggesting that at least for the sentence of one year a smaller sentence of three months might be substituted. Sir, I move.

**Mr. President** The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

"That in clause 2 of the Bill, for the words 'one year' the words 'three months' be substituted."

**Sardar Sant Singh:** Sir, I rise to support this amendment and my reasons for support are that the country is passing through that stage where such an enactment of a penal character will be very much resented. This House has tried its level best to understand the position of the Honourable Members who are in charge of the administration of the country and to appreciate the difficulties and try to help them as much as they can. But it seems to me that they have not been able to convince us of the necessity of this Bill. Though it has not been possible for us to throw out the Bill bodily, yet we have tried to modify it as much as we could. Sir, the atmosphere in the country is surcharged with suspicion and distrust. If the executive continues to think that they can suppress this distrust and want of confidence in the administration by severe punishments and retributive methods, surely they are not likely to succeed as such methods have never succeeded in any other country. Apart from the political situation that will be created by such punishments as are provided in this Bill, I want to make my submissions purely from the jurist's point of view in the hope that my remarks may go to convince them of the futility of repressive measures of the kind now before the House.

It is well-known that in the old days the theory was: Life for life, tooth for tooth, eye for eye, and limb for limb. This was the criterion how the punishments were meted out to the criminals, but, later on, by the spread of knowledge and enlightenment in the country and amongst the people, the punishment has more and more come to be regarded as a

preventive measure, as a reformatory measure rather than as a retributive measure. The crime has now come to be regarded as a sort of disease which should rather be cured than put down with a vindictive hand. In this particular case we find that the offence consists in only making statements which a responsible person should not have made; nothing more than that. In a moment of weakness, probably the accused has committed or, under an excitement caused by an outside person, he has been led away from the right path and has said certain things which he ought not to have said with or without intention. This is the only criminal act done by him. Now, Honourable Members on the Government Benches want to punish him for this offence with an imprisonment of one year. Probably my friends on the other side regard a year as consisting of a few days, but really it is of 365 days and, as a matter of fact to a criminal, who is in the lock-up, it is more than 365 days, though not in number but in the actual suffering that he is to undergo. Now, if a mere statement is to be visited with a maximum punishment of one year, it will be an act of the nature of vindictiveness on the part of the executive rather than to reform the criminal. In this connection, Sir, I would like to quote Sir John Salmond, the favourite author of the Honourable the Law Member. On page 128, he says:

"Kant, for example, expresses the opinion that punishment cannot rightly be inflicted for the sake of any benefit to be derived from it either by the criminal himself or by society, and that the sole and sufficient reason and justification of it lies in the fact that evil has been done by him who suffers it. Consistently with this view, he derives the measure of punishment, not from any elaborate considerations as to the amount needed for the repression of crime, but from the simple principle of the *lex talionis*: 'Thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot'. No such principle, indeed, is capable of literal interpretation; but subject to metaphorical and symbolical applications it is in Kant's view the guiding rule of the ideal scheme of criminal justice."

Probably this has been the guiding principle of the Honourable Member who framed and provided this penal law for this country. But what has the jurist to say about it. He goes on:

"It is scarcely needful to observe that, from the utilitarian point of view hitherto taken up by us, such a conception of retributive punishment is totally inadmissible. Punishment is in itself an evil, and can be justified only as the means of attaining a greater good. Retribution is in itself not a remedy for the mischief of the offence, but an aggravation of it."

Now, those are the observations of a jurist who wrote the book not in an atmosphere of excitement, but in a cooler atmosphere where logic and reason and not vengeance prevailed. After all, what do you want to do? You are not protecting the persons who are actually in service, but you are trying to protect persons who are yet to join the Government service and who probably may not be accepted by the authority who is responsible for their selection. If such persons are open to such persuasion in spite of the economic depression in the country and in spite of the service motive, you should not send a man to jail for one year. That is too much. Therefore, I submit that you should not make the remedy worse than the disease itself. The Government want to suppress the civil disobedience movement and, in suppressing that movement, they should not create a spirit of greater resentment in the country. Greater resentment will react and recoil upon its authors. Therefore, I submit, that before disposing of this amendment, they should remember that after all this man has done a foolish act against which you want to provide

[Sardar Sant Singh.]

yourself. In my opinion, there should be no punishment excepting a warning or something of the sort. Section 562, Criminal Procedure Code, was recently modified and greater powers were given to the Magistrates with a view to reforming the criminal rather than to inflicting a vindictive punishment upon him. Therefore, I submit, with all the earnestness at my command, that this view of the crime, as it is proposed to be done in this clause, should not be taken.

**Mr. Amar Nath Dutt:** Like the baby in the Pears' soap picture he will not be happy unless he has had the whole of it and the Honourable the Home Member will not be happy unless he has the whole clause as drafted by his draftsman, who, we are assured by the Honourable the Home Member, is a very clever draftsman, although I had some experience of him in another Select Committee. The Honourable the Home Member wants the whole clause as drafted. Now, the only point is with respect to the punishment that is to be inflicted on the man who offends against the clause. Unless the Honourable the Home Member wants to be vindictive, he would not like to give such a punishment to a man who advises people only not to join such dangerous services as the Military, Naval or Air services, for everybody knows these services are attended with danger. In the one case, it is the sea and, in the other case, it is the air, while, in the Military, it is hand-to-hand fighting and, in all these cases, one's life is always in danger. In the Police service, they know of no danger to the body, it is simply danger to one's soul, because when one enters the Police service, one has to sell oneself entirely and do everything at the dictates of the executive. I am told by an Honourable friend who sits by me that I am dissuading people from entering the Military, Naval and Air forces and the Police service. Fortunately I am on the floor of this House, a few paces outside of it, when the law is enacted, I would be subject to incarceration under the clause.

Now, the question is whether the punishment should be for one year or for three months. About this, I can do no better than impress upon the occupants of the Treasury Benches in the words of Cardinal Newman as to what should be our guiding principle in legislating on these matters. We must remember, and we must not forget, that it is not by laws, far less by bayonets, that nations are governed. They will enable either a man or a nation to conquer the world, but not to rule it. Only sympathy, boundless sympathy, can conquer the hearts of people. I appeal through you, Sir, to the fortunate occupants of the Treasury Benches over there, I appeal to them in the name of humanity, in the name of civilisation and, in the name of all things sacred and dear, I appeal to them to be less rigorous and less vindictive and to have more sympathy for the Indian people who feel, rightly or wrongly, that they should have freedom of expression, and if in their desire to have the administration changed, and, in their desire to have the freedom of their own country—the land of their birth—if, in that, you cannot aid them, please do not come down upon them with such barbarous punishments as one year for simply asking a man not to enter the Military, Naval, Air or Police services. I appeal to them once more, with all the emphasis at my command, to be more humane towards the Indian people and to soften the rigours of this clause by lessening the punishment. (Applause.)

**\*Mr. N. R. Gunjal** (Bombay Central Division: Non-Muhammadan Rural): I support the amendment moved by my friend, Mr. Mitra. I support it, because I have given notice of a similar amendment.

I am of opinion that this amendment should not be opposed even by Government. It has been sufficiently proved by now that this is a drastic measure. It seems to me that the hands and feet of Government are now paralysed, and only the brain is working. The policy for the present seems to be to draft laws to suit the idea that may happen to flash through the brain and to administer the country accordingly. But this is a wrong policy.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** There seems to be some misunderstanding about the punishment part of this clause. The Honourable Member should know that the provision of one year is not compulsory. This is the maximum punishment and in most cases only three months will be given in the first instance. This may be followed by six months in the case of a second offence and one full year will be given when this offence is committed for a third time. So the fears of the Honourable Member are unfounded. If three months or six months were substituted, what punishment would you give for habitual offenders under this clause?

**\*Mr. N. R. Gunjal:** I have nothing to say about the support to be given to Government by the Nominated Official Members. But I would urge upon the Nominated non-Official Members not to give their support lest they should rue the day,—which is not unlikely,—when some of their near relations may fall victims to this clause. Government will then have no consideration for the support now given by them.

**The Honourable Mr. H. G. Haig:** Sir, the Honourable Members who have spoken appear to be labouring under some misunderstanding. They suggest that we want to punish everybody who is convicted of an offence under this clause with one year's imprisonment. They do not seem to have taken into account the fact that the term of imprisonment which is put down in this clause is the maximum term and will not apply to the cases for which they have invited the sympathy of this House, a foolish and thoughtless word, a young boy who speaks without thinking, people who are in fact covered by Exception 2 to this clause who are dissuading persons from entering these dangerous services, so that they may escape the dangers that otherwise would beset them. I submit, Sir, that a maximum sentence of one year for an offence which may be a very serious offence is in no way excessive, and there can be no reasonable accusation against Government of being vindictive. In the case of a regular Congress agent engaged on a regular campaign of dissuading persons from joining the Military forces of His Majesty, a sentence of one year would not be, in my judgment, at all excessive. I must, therefore, oppose the amendment.

**Mr. President:** (The Honourable Sir Ibrahim Rahimtoola): The question is:

“That in clause 2 of the Bill, for the words ‘one year’ the words ‘three months’ be substituted.”

The motion was negatived.

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\*The Honourable Member spoke in the vernacular.

**Mr. B. V. Jadhav:** Sir, I move:

"That in clause 2 of the Bill, for the words 'one year' the words 'six months' be substituted."

I need not make a long speech as all the arguments, that were placed by this side of the House for the amendment which has just been negatived, stand good in the case of this amendment also. It has one advantage that it is more moderate and I think Government will show their sympathy to this side of the House by accepting it.

**Sardar Sant Singh:** Sir, having failed in carrying the last amendment, I support this amendment. The Honourable the Home Member, in his reply to the reasons advanced by me, said that I was labouring under some misapprehension and did not realise that the sentence proposed in the clause was the maximum. I may assure him that I did realise that, and with a full responsibility I criticised the provision as brutal, vindictive and retributive and not reformatory or preventive. My friend has entirely forgotten that in the earlier course of this debate it was brought out by the Honourable the Law Member that he wanted this clause to create an absolute offence and no other, and in calling it an absolute offence he was careful to say that they wanted to punish a man without making any inquiry whether there was any conspiracy or a plan existing behind the person who dissuaded or attempted to dissuade any person from entering the public services mentioned therein. If the executive do not want to punish a man as part or member of a conspiracy, but they want to punish him as an individual without trying to establish his connection with any conspiracy or unlawful assembly, then my submission is that the maximum sentence provided for this offence is really a punishment which should not have been provided in this clause.

Government are perhaps interested in forgetting that the punishment is a double-edged weapon. It brutalises him who suffers imprisonment and brutalises him who gives that punishment. The tendency of the administration is to brutalise it. We want to check that tendency; we want to persuade Government, as much as we possibly can, that they should not encourage that brutalising process in the administration. They should listen to reason and to the prevailing atmosphere in the country. After all you have not been able to establish confidence among the people; you may be regarding yourself as doing justice to the people, but it is not the doing of justice that really matters. It is the confidence that you create that justice has been done to them, that matters a great deal. You should not consider that if on the Congress platform a speaker gets up and says that no person should enter the public services he should be punished for one year as he has committed a great offence. Of course it will be an offence, but do you think the public mind will regard it as an offence? The public will feel that no offence has been committed and you cannot have that confidence which the subject should give to the administrator. If you really want to introduce democratic institutions in the country and if you really want, as was said in several speeches on this Bill, to protect the future democracy which is to be established in India, that democracy will depend on the vote of the people and the confidence of the people in the administration. How is that confidence to be established? Surely not by providing brutal punishments for offences which are being newly created and which are not to be found in the penal Statutes of any civilised nation. Therefore, I say that it is not a maximum

punishment which is being provided; as a matter of fact, we find from reports in the press that maximum punishments are awarded by Magistrates in all political cases. We want to provide against it. Therefore, I will still say that this amendment at least should be accepted. These are offences which should not be visited by more than a warning from the Magistrates, not to speak of sending people to prison and associate with people who have committed foul offences. Therefore, I will support this amendment.

**Mr. S. C. Mitra:** Sir, while moving the earlier amendment about the period of imprisonment, I was fondly hoping that even if my amendment was not acceptable, it might be that this amendment of Mr. Jadhav might be acceptable to the Government. We should not forget in this connection the prison life that is ordained here for all persons. The question about classification was long discussed in this House: and Government said that they would not take into account the motive for the crime; but in the matter of jail classification, they would look to the standard of life to which the particular prisoner was accustomed. It is the experience of all the Members of this House that political prisoners are, as a rule, classed as C class prisoners and they are put in the same jail wards along with hardened criminals; and, as my friend, Sardar Sant Singh, said, jail life itself will make them even worse. It was with that intention that we appealed to Government that for this technical offence, which is a new one, created for the first time, Government should have some consideration; but if they are determined to have their pound of flesh, let them have it; we know we are not strong in votes; yet I think there is still time for Government to come forward and say that they accept such a very humble amendment.

**The Honourable Mr. H. G. Haig:** Sir, we have heard a denunciation of the accepted theory of punishment. I understand that my Honourable friend, Sardar Sant Singh, considers that all imprisonment brutalises and my Honourable friend, Mr. Mitra, appeals to us not to send people to prison, because of the conditions which are experienced in jail. That argument can be carried a long way. I do not know whether Sardar Sant Singh objects to the whole of our criminal system and would like to abolish altogether our penal laws and our jails. But if not, I think much of his argument is beside the point. The offence for which it is proposed to enact this punishment is not, as Mr. Mitra would suggest, a technical offence. It is a serious offence and I submit that the maximum punishment of one year's imprisonment is in no way excessive. Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That, in clause 2 of the Bill, for the words 'one year' the words 'six months' be substituted."

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

"That in clause 2 of the Bill, after the words 'or with fine' the words 'not exceeding two hundred rupees' be inserted."

It has been said that there is a maximum sentence as regards imprisonment. What are the grounds for the Government here not fixing a maximum for the fine? I think Government will explain it. It is not a rare



[Mr. S. C. Mitra.]

occasion that, during these days of political crimes, there are vindictive sentences. We have heard of fines of Rs. 20,000 inflicted on people who are known both to the Government and to the people that there was nothing sordid in the motive of their crime. It may be that under the present law patriotism may be punishable; it may be that the encouragement of indigenous industries by persuading people may be punishable, but there should be some limit to those fines. If there is no limit, there are officers of Government who will think that a very large sum in these days of financial stringency will help the treasury, and apart from any consideration of the crime they may be disposed to impose very heavy fines. If there was any necessity for the sentence to be fixed and not left to individual discretion of the Judges, I think, Government will give good reasons why they have put no limit to the amount of fine. I move that a reasonable sum like two hundred rupees for a newly created offence may be considered by Government as acceptable. I move.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

"That in clause 2 of the Bill, after the words 'or with fine' the words 'not exceeding two hundred rupees' be inserted."

**Mr. Lalchand Navalrai**: Sir, the offence is sought to be punished with imprisonment which may extend to one year or with fine or with both. When the offence is punishable with fine and tried by a first class Magistrate, he can fine up to the extent of one thousand rupees. I submit that we do understand on this side of the House that it is not always that the maximum punishment is inflicted by the Magistrates; but we know that under the Ordinances extreme punishment has been awarded. Therefore it is that we put these amendments in order to restrict the hands of the Magistrates who try these cases to inflict reasonable punishment. I submit, for a first offence of this nature in which no intention has to be proved and the burden of proof has been cast upon the accused to show *bona fides*, to punish him with one year's imprisonment and a fine up to one thousand rupees is inhuman and cruel. I would, therefore, submit that this amendment asking the limit to be put at two hundred rupees is a reasonable amendment and I support it.

**Mr. S. G. Jog**: Sir, I am surprised to find that the Government are at times consistent and at times inconsistent. If we go through the other provisions of this Bill, we find that in some places the amount of the fine has been fixed. I will draw attention to clause 4—boycott of public servants—I do not want to discuss the other provisions of the clause and I will limit my observations to the provision as regards punishment: it is said there "imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees". There is another clause also—clause 7—the long discussed molestation clause where also it is said "imprisonment which may extend to six months or with fine which may extend to five hundred rupees". There are also other provisions where fine has been fixed. The Government should now be aware that there is a sort of diffidence on this side of the House as to giving power to Magistrates—whether some fetters should not be put on their discretion—and since the Government have made provisions in

other clauses limiting the amount of fine, I should see no reason why such a salutary provision should not be made in this. The Magistrates, as we all know, are at times vindictive in these days, and they inflict the highest amount of fine on the accused, and it is only right, as has been suggested by previous speakers, that there should be imposed a restriction as to the amount of the fine to be imposed. I do not wish to subscribe to the idea that in these days of financial stringency they want to fill the coffers of the Government by money realised from these heavy fines—I do not want to charge the Government with that motive at all. But we have to depend upon the local Magistrates, and these local Magistrates are of different views and different temperaments who always do not take, when deciding cases, just views, and, therefore, it is very necessary that some restriction should be placed on the amount of the fine to be imposed, and the suggestion, that Rs. 200 as fine would be sufficient, ought to be accepted by the Government. It is a very reasonable suggestion and it should be accepted. Sir, I support this amendment.

**Mr. Amar Nath Dutt:** Sir, we were assured by the Honourable the Home Member that it is not necessary that the maximum punishment should always be inflicted upon a transgressor of this clause. He has said that the maximum punishment is only provided for those whose offence is in an aggravated form, but here there is something which ought not to escape his notice. I invite the attention of the Honourable the Home Member to the words "or with fine", and this is one of the hardest punishments that can be inflicted upon a transgressor. Honourable Members will find that later on there are provisions in this Bill in which the sins of the son will be visited on the father, and so I think it is very unwise to vest the executive with such unlimited powers who, in their desire to get a lift in service or a title or some other advantage for their sons or relations, are always over-zealous, will inflict the highest punishment and realise the maximum amount that can be realised not only from the transgressor but also from his father. A man may be worth, say, two lakhs of rupees, and there is nothing in the clause to prevent inflicting a fine of one lakh or even more and realise it from his father. (*An Honourable Member:* "Beware.") Honourable Members who are fathers of sons may themselves, even staunch loyalists under the protecting wings of the officials with expectations of titles and honours, they also must not forget the fact that we have found sons of Government servants joining the revolutionary movements and transgressing the law. They should also beware, whether they are Nominated or elected Members, it does not make any difference at all, there is no distinction between my son and the son of my friend over there, Rai Bahadur Satya Charan Mukherjee, and it is not our sons who will have to pay these heavy fines, but it is my friend over there who will have to pay the same. I may mention here, Sir, that in these terrorist crimes sons of Deputy Magistrates, Rai Bahadurs, Police Officers and others have been found to be implicated like sons of others. Nay, it is the sons of those fathers who are ultra loyal who are going astray more than our sons. Therefore, Sir, I think it is up to every Member of this House, be he a Government servant or a Nominated Member or an elected Member, that he should see that this amount of fine is restricted. At the same time, I appeal to that sweet reasonableness of the Honourable Member to see that this unlimited liability to fine should not have a place in the Bill and that some restriction is placed on the powers of the arbitrary executive.

**Mr. D. K. Lahiri Chaudhury** (Bengal: Landholders): Sir, I rise to support the amendment which has been moved by my friend, Mr. S. C. Mitra. When we are faced with such a drastic measure like this, I think it is only right and just that some relief should be given to those people who will come under the purview of this clause. In this connection I may draw the attention of the House,—and I hope I shall not be called irrelevant on this point,—that the Bombay Government recently in trying to suppress the *Free Press* took a very serious attitude by ordering a sum of Rs. 20,000 to be forfeited which was deposited with Government as security. This is a *prima facie* case in which it is clear that the Magistrate has abused his power in awarding the most vindictive and maximum punishment. Therefore, Sir, unless we put a limit to the amount of fine to be imposed under this clause, I do not know how far the amount of fine can go—it may go up to Rs. 20,000, Rs. 30,000, Rs. 50,000 or even one lakh, and it will be left entirely to the sweet will and pleasure of the executive on whom few Members on this side of the House have any faith, because of the simple reason that the executive is irresponsible. Therefore, every Member on this side of the House, who has a little conscience, who has a little judgment of his own, who has a little power of conviction, will admit that clause 2 should be drafted in such a way as to limit the amount of fine. The amendment suggested by the Honourable the Mover is perfectly reasonable, very proper and cogent, and I hope that at least on this particular issue the Treasury Benches, though doubtless they are in a majority, will see eye to eye with us and accept the amendment. At least from a purely humanitarian point of view, I think they should accept this amendment. With these words, I strongly support the amendment.

**The Honourable Mr. H. G. Haig**: Sir, the objection that has been taken is that the clause imposes no limit to the fine, and one might have expected, listening to Honourable Members, that we were introducing some new and unheard of principle into the Criminal Law. But, as Honourable Members opposite are well aware, it is an extremely common feature in the Indian Penal Code that the amount of fine is not defined. Let me take, for instance, an offence like theft, which may be an exceedingly petty matter. It is punishable with fine without any limit. But the Penal Code does lay down one provision with regard to fines, and it is important to bear that in mind,—where no sum is expressed to which a fine may extend, the amount of fine is unlimited but shall not be excessive. And, in that connection, I would ask Honourable Members to remember that there will be in all these cases an appeal. If we are to suppose that the Magistrate takes an unreasonable view and imposes an excessive fine, there is always an appeal, and we can be perfectly sure that in the end the fine will not be excessive. There is another safeguard which has perhaps escaped the notice of Honourable Members. There were suggestions that fines to the extent of Rs. 20,000, Rs. 50,000 and even one lakh might be imposed. But these cases will be tried by Magistrates, and, as the House is aware, the maximum fine that can be imposed by a First Class Magistrate is Rs. 1,000.

**Mr. Amar Nath Dutt**: By tacking another section with the complaint you can take it up to the Sessions Court.

**The Honourable Mr. H. G. Haig:** I do not think it is likely, in order to get a conviction in a case in which the maximum imprisonment is one year—that we are likely to go to the Sessions Court . . . .

**Mr. Amar Nath Dutt:** You may tack another section to it and send it to the Sessions Court.

**The Honourable Mr. H. G. Haig:** The other alarming picture that has been presented to us is that Honourable Members' children will run out and commit these offences and then they will be liable to a fine of Rs. 50,000.

**Mr. D. K. Lahiri Chaudhury:** Who knows? Your son can also come into this fold.

**The Honourable Mr. H. G. Haig:** I would suggest that this is not the kind of offence that children under the age of 16 are in the habit of committing, and I think even if Honourable Members have very little control over their children they need not be apprehensive that in this respect their children will get them into trouble. Sir, I oppose the amendment.

**Mr. President:** The question which I have now to put is:

“That in clause 2 of the Bill, after the words ‘or with fine’ the words ‘not exceeding two hundred rupees’ be inserted.”

The motion was negatived.

**Mr. N. R. Gunjal:** Sir, I move:\*

“That in clause 2 of the Bill, after the words ‘or with fine’ the words ‘not exceeding one hundred rupees’ be inserted.”

**Mr. S. C. Mitra:** On a point of order, Sir. When the motion for a two hundred rupees fine has been defeated, will it be in order to move for this fine of one hundred rupees?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair does not see any objection. The House may consider two hundred rupees as too heavy a fine and may agree to limit it to one hundred rupees.

**The Honourable Mr. H. G. Haig:** I do not think it is necessary to repeat the arguments that I have just stated before the House with regard to the previous amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question that I have now to put is:

“That in clause 2 of the Bill, after the words ‘or with fine’ the words ‘not exceeding one hundred rupees’ be inserted.”

The motion was negatived.

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\*The Honourable Member moved the Amendment in the vernacular.

**Mr. Lalchand Navalrai:** Sir, I move:

"That to clause 2 of the Bill, the following Proviso be added:

'Provided that no Court shall take cognisance of an offence punishable under this section unless upon complaint made by order or under authority from the Local Government or some officer empowered by the Government in this behalf.'

Now, we are passing to a different kind of amendment. I do not think this amendment will come in the way of the Honourable the Law Member or create the same difficulty which he was apprehensive of. In other words, I submit that this amendment does not interfere with the clause being kept as one involving absolute responsibility. The category of absolute responsibility will remain as it is. It also does not interfere with or minimise or change the burden of proof. The burden of proof will lie as the clause stands upon the accused to show his *bonâ fides*. How far that is correct I am not going to say anything further about it. The amendment which I am at present putting forward is only a safeguard, and if it is not accepted, the Government would be open to the reproach of being vindictive. It is the only safeguard against the reckless and unscrupulous ways of the police of which we hear so much. What I want by this amendment is that a blank cheque should not be given to the police to prosecute any man they liked. This amendment aims at having some consideration given to the person who is being prosecuted under this clause. The Local Government under this amendment will have to consider and find out whether the man concerned is really *prima facie* guilty of an offence under this clause. Therefore, it will not only afford a safeguard to the man to be prosecuted, but it will create confidence amongst the people that such cases were considered before the launching of the prosecutions by higher authorities. This very proviso has been added to some of the other clauses, and I do not know why it has not been joined to this clause. In clause 4, which deals with the prevention of boycott of public servants there is a proviso in exactly the same words as the amendment which I am proposing. Just now the Honourable the Home Member said in connection with the question of punishment that this was a serious offence. May I ask if this offence is not more serious or graver offence than the boycott of public servants. Therefore, there should be more precaution taken before a prosecution is launched under this section. If the Government want to prove that they are not proceeding with this Bill in a ruthless manner, but they are ready and willing to give full consideration to the peoples' point of view, then, I submit, that this is a necessary safeguard which should not be refused. The point has now been made so clear. Further more, this clause provides a punishment of one year's imprisonment, whereas clause 4 provides a punishment of only three months' imprisonment and yet there is a similar proviso attached to clause 4, but not added to clause 2. I think the Government will be simply stultifying themselves if this amendment is not accepted.

**Sardar Sant Singh** So far as the substantive law is concerned, the Government had succeeded in taking its pound of flesh. Not a single amendment has been accepted. If the need for such legislation is very acute, let it be. Now comes the adjective law to be modified. My friend's amendment aims at modifying the procedure in order to meet a contingency that may arise. The Government have been always reminding this side of the House that they should face the realities. It is my turn to remind them that they should face the realities now. They should give up the police mentality and take up a judicial mentality.

(*An Honourable Member*: "Why not both.") A friend of mine asks, why not both mentalities. The police men's mentality is visible in the whole frame of this Bill. My friend today is supporting this measure. Tomorrow he may find himself in a position to curse himself why he ever supported this measure. This unhappy police mentality is found all over this unfortunate country, but the judicial mentality is lacking. I would appeal to my Honourable friend, the Law Member, who is slowly but surely giving away the power from his hands to his neighbour, the Home Member. In all countries, the rule of law takes the place of the rule of the executive. Here the rule of the executive is taking the place of the rule of law. Before a man is charged with the extraordinary offence created here for the first time, he should beware of the dangers that lie in his path. He should be careful to see that no action is taken which is not warranted by the facts of a particular case. When we complain of the highhandedness of the police, at once comes the reply from the other side that the police are doing their duty in a very upright and public spirited manner. We have no quarrel with that at this stage. What we quarrel about is about placing too much power in the hands of the police. They may consist of angels, but the public have no confidence in them. The public may be wrong, but the impression is there and you cannot deny the existence of that impression. It is the duty of the Legislature to remove that impression if it is a mistaken impression. You are making this offence cognisable under clause 9 of the Bill and giving power to the police to take up the investigation and send up a man for trial. Many of my friends can state from their own personal experience that such cases are taken cognisance of on the shadiest of grounds and the silliest of pretences. Once you give power to the police, the police will not take long in making use of it. There must be some controlling authority and we want if such an act is condemned it should be examined first by the highest authority in the land, that is the Local Government and, if not the Local Government, then some responsible officer empowered by the Local Government to examine this question before the prosecution is launched. The amendment is a very important one. It involves a question of principle and I will submit, with all the emphasis at my command, that the executive should take note of it. They are out to suppress the civil disobedience movement and they should not inflame the public mind unnecessarily. This safeguard should not be lightly disposed of without examining its merits. Sir, I support the amendment.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** The Government's position is not enviable. In the Bill, as was introduced by the Honourable Mr. Haig, all these offences were triable by "any Magistrate" and in that case most of these offences would have gone to third class Magistrates. The fine would not have exceeded Rs. 50. But pressure seems to have been brought upon Government and these offences are now triable by First Class Magistrates only. That is why the previous amendment came in.

Government have agreed to add a similar Explanation to clause 4. Honourable Members will remember that when the first motion on this Bill, that "it should be circulated for public opinion" was being discussed, Mr. Puri, an eminent criminal lawyer, in the course of his speech while criticising the said Explanation remarked that, the safeguard was no safeguard at all. He criticised this very severely and said that the Local Government's sanction would depend on what the District Magistrate wrote and the District Magistrate will write what the sub-inspector will

[Hony. Capt. Rao Bahadur Chaudhri Lal Chand.]

suggest, and so forth. The Court Inspector will produce the Government certificate and, having seen that certificate, the trying Magistrate will only give the accused the maximum punishment. Instead of being a safeguard, this was characterised as a handicap for the accused by the Honourable Mr. Puri. Now another eminent lawyer, Mr. Lalchand Navalrai, says.....

**Mr. Lalchand Navalrai:** Let us make the best of even a bad bargain.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** He now says this is a safeguard and should be added to clause 2 also. Now this reminds me of a very pertinent remark made by the Honourable Mr. Haig in his speech at Simla in which he said that when the Opposition speaks through many mouths, they sometimes contradict each other. The Honourable Mr. Haig can only give one reply. He will say "I cannot please them and so let things remain as they are."

Now, as regards this amendment, I have only to submit that speedy action is the very essence of all these clauses. If you make it dilatory, and justice is delayed, then, of course, the effect will go. If you add this Explanation, it would mean that the cases would come up before the Courts several months after the commission of the offences. That is not desirable in ordinary cases. These are only simple cases triable by Magistrates of the third class, with only two witnesses, and, for all such cases, to go up to the Local Government would be very irksome and inconvenient and expensive. Sir, I, therefore, oppose this amendment.

**Mr. S. C. Mitra:** Sir, I support the amendment of my friend, Mr. Lalchand Navalrai. I find that in the Bill itself there is a provision that clauses 4 and 7 shall only come into force if there be a notification in the local official Gazette so that the Provinces that do not suffer from this kind of disorder may be exempted from the operation of this Bill. I do not know why this particular clause has also not been incorporated in sub-clause (3) of clause 1, since it has been admitted by the Honourable the Home Member that at present there are very few cases of the kind. The only thing he could say about it was that he had some reports from the military authorities. But we, in Bengal, have no soldiers, no Army and no recruitment.

**The Honourable Mr. H. G. Haig:** On a point of order, Sir. Is the Honourable Member speaking to this amendment or to another which is coming on later?

**Mr. S. C. Mitra:** Anybody who has sense will understand how I am developing my point. (Laughter.) Sir, Bengal should not be affected, because if I have heard the Honourable the Home Member aright, he could only cite instances not from any Naval, Air or Police services, but from some Military authorities. What I was pressing for consideration is, that Provinces like Bengal, which are not concerned with the Army, due to a fine sense of justice of the benign Government, should not labour under the same difficulties. I pressed that this clause should come under one of those cases included in sub-clause (3), but the least that I can expect now—if the Government have not the sense to relieve other Provinces where these cases are very infrequent, and it is only a figment of the imagination of the Honourable the Home Member that he must provide for all sorts

of likely and unlikely eventualities—the least thing that can be done is this, as my Honourable friend, Mr. Lalchand Navalrai, has said that there is apprehension in the public mind that any ukase coming from the Local Government for starting cases might prejudice the issue before the Magistrate. That is quite correct. There is some misapprehension, but as we have pressed the point repeatedly, if that has failed to arouse the attention of the Honourable the Home Member, well, I think, this side of the House is not to blame. Though challenged, the Honourable the Home Member could not cite cases, occurring even before the promulgation of this Ordinance or during the subsequent period, of offences against which provisions are sought to be incorporated in this clause. Then, why should not steps be taken and provisions be made so that people may not be unnecessarily harassed? Our contention all along was that it would mean an instrument of tyranny in the hands of the lower police officials and others. Let us provide, I say, against any chance of misapplication and abuse of these clauses. My friend, Mr. Lalchand Navalrai, suggested that the Government, by the strength of their votes in the House, carry everything, but why should there be any hesitation, when they have really got everything that they wanted, in providing that insignificant or unnecessary or petty cases may not be started? Sir, I support my friend, Mr. Lalchand Navalrai's amendment

**Mr. Amar Nath Dutt:** Sir, I am doubtful about the efficacy of the provision; and, in fairness to the Honourable Members of the Treasury Benches, I must say that I have not been able to make up my mind in spite of the reasons adduced by my Honourable friend, Captain Lal Chand. Sir, we know how these sanctions are obtained, and these things, as my Honourable friend over there remarked, start generally with a report coming up from the chowkidar to the sub-inspector, then from the latter to the Deputy Superintendent or Deputy Magistrate and then from him to the Magistrate and then from the Magistrate to the Commissioner of the Division and then to the Secretary of the Local Government. There is another danger. Whenever a sanction comes from the Local Government, then, for a Magistrate not to convict will be a very difficult matter.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhammadan): Why?

**Mr. Amar Nath Dutt:** My friend, Mr. Gaya Prasad Singh, wants to know, why? He need only go back to the days when he was a Magistrate, because, considering the material of which the subordinate magistracy or police in this country is composed in the provinces, I think I would rather agree with my Honourable friend over there, with that Lalchand (Captain Chaudhri Lal Chand) than with our own Lalchand, and I am doubtful about the efficacy of this proviso. I am, therefore, unable to support my friend, Mr. Lalchand Navalrai's amendment.

**Mr. Gaya Prasad Singh:** Sir, although I support my friend in his main contention relating to the amendment, I want to dissociate myself from the observations that he made with regard to the Magistracy, to which I also had the honour to belong at one time. Sir, it is not the material that is at fault as alleged by the previous speaker, these public servants are our own countrymen, but the system under which they have to work.



[Mr. Gaya Prasad Singh.]

The combination of executive and judicial functions tends to the lowering down of the morale of the officers concerned; and, in the circumstances, they are more objects of our sympathy than of anything else. My Honourable friend's observations were sweeping. Our Magistrates may be bad, good or indifferent, but that does not mean that the entire body should be tarred with the same brush. (Hear, hear.)

**The Honourable Mr. H. G. Haig:** Sir, I am glad to have heard from my Honourable friend, Mr. Gaya Prasad Singh, a well-deserved tribute to the service to which he himself once belonged. In a somewhat fervent speech to which we listened from Sardar Sant Singh it seemed to be assumed that the procedure proposed in this amendment was something normal and that consequently if it were not provided we were doing something fresh which will be irritating to the country. But, Sir, my first point is that this is a very unusual procedure; it is a cumbrous procedure; and it is obviously not a procedure that should be adopted except for very definite reasons. Now, those reasons, as I conceive them, would be that there is some serious danger that cases would be instituted improperly. Now, I have looked through some of the examples that I have of actual cases that have occurred and it appears to me that those cases, so far as facts are concerned, are, as a rule, perfectly simple. That has nothing to do with the gravity of the offence. The circumstances of the case are usually simple. A Congress agent interfered with recruiting in a particular district with the result that six recruits withdrew after actually joining the recruiting party: recruits and the members of a recruiting party were spoken to by certain men who tried to put them off enlistment: a certain individual lectured a party of recruits and succeeded in making one desert. Those are the kind of cases that have been happening. Now, Sir, I submit that in cases of this kind there is no necessity to go through this elaborate procedure of obtaining the previous authority of the Local Government or some other authority before the commencement of the case. Another point which is of great importance was made by my Honourable friend, Captain Lal Chand, and that is that in cases of this kind it is most desirable that action should be taken promptly, and the procedure proposed will simply involve a delay which the facts of the case do not in any way justify.

Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question I have now to put is:

"That to clause 2 of the Bill, the following proviso be added:

'Provided that no Court shall take cognisance of an offence punishable under this section unless upon complaint made by order or under authority from the Local Government or some officer empowered by the Government in this behalf'."

The motion was negatived.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That clause 2 stand part of the Bill."

The Assembly divided:

AYES—53.

Abdul Hye, Khan Bahadur Abul  
Hasnat Muhammad.  
Acott, Mr. A. S. V.  
Ahmad Nawaz Khan, Major Nawab.  
Allah Baksh Khan Tiwana, Khan  
Bahadur Malik.  
Amir Hussain, Khan Bahadur  
Saiyid.  
Anklesaria, Mr. N. N.  
Bajpai, Mr. G. S.  
Bhore, The Honourable Sir Joseph.  
Bower, Mr. E. H. M.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dudhoria, Mr. Nabakumar Sing.  
Dunn, Mr. C. W.  
Dutt, Mr. G. S.  
Fox, Mr. H. B.  
Graham, Sir Lancelot.  
Greenfield, Mr. H. C.  
Gwynne, Mr. C. W.  
Haig, The Honourable Mr. H. G.  
Hezlett, Mr. J.  
Hossack, Mr. W. B.  
Hudson, Sir Leslie.  
Ishwarsinghji, Nawab Naharsingji.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur  
Sardar.  
Lal Chand, Hony. Captain Rao  
Bahadur Chaudhri.  
Mackenzie, Mr. R. T. H.

Macqueen, Mr. P.  
Meek, Dr. D. B.  
Metcalfe, Mr. H. A. F.  
Mitter, The Honourable Sir  
Brojendra.  
Moore, Mr. Arthur.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur S. C.  
Naydu, Rao Bahadur B. V. Sri Hari  
Rao.  
Noyce, The Honourable Sir Frank.  
Parsons, Sir Alan.  
Rafiuddin Ahmad, Khan Bahadur  
Maulvi.  
Rajah, Rao Bahadur M. C.  
Rajan Bakhsh Shah, Khan Bahadur  
Makhdum Syed.  
Rau, Mr. P. R.  
Ryan, Mr. T.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Sher Muhammad Khan Gakhar,  
Captain.  
Singh, Mr. Pradyumna Prashad.  
Smith, Mr. R.  
Sorley, Mr. H. T.  
Subrawardy, Sir Abdulla-al-Māmūn.  
Tottenham, Mr. G. R. F.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.  
Zulfiqar Ali Khan, Sir.

NOES—20.

Abdul Matin Chaudhury, Mr.  
Abdur Rahim, Sir.  
Dutt, Mr. Amar Nath.  
Gunjal, Mr. N. R.  
Jadhav, Mr. B. V.  
Jha, Pandit Ram Krishna.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Misra, Mr. B. N.  
Mitra, Mr. S. C.

Murtuza Saheb Bahadur, Maulvi  
Sayyid.  
Pandian, Mr. B. Rajaram.  
Phookun, Mr. T. R.  
Sant Singh, Sardar.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Uppi Saheb Bahadur, Mr.

The motion was adopted.

Clause 2 was added to the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd November, 1932.



# LEGISLATIVE ASSEMBLY.

Wednesday, 23rd November, 1932.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## QUESTIONS AND ANSWERS.

### LORD SANKEY'S APPEAL TO MAHATMA GANDHI.

1410. **\*Mr. S. C. Mitra** (on behalf of Mr. B. Das): (a) Has the attention of Government been drawn to Lord Sankey's appeal to Mahatma Gandhi in the *News Letter* as published in the *Statesman* of the 12th November, 1932? What steps are Government taking to bring Mahatma Gandhi to the path of co-operation?

(b) Are Government now prepared to permit public leaders to negotiate with Mahatma Gandhi to bring about a spirit of co-operation?

**The Honourable Mr. H. G. Haig**: (a) and (b). I have seen the summary of the article which has appeared in the press. I would refer the Honourable Member to the replies which I have recently given in this House and to the statement made by the Secretary of State in the House of Commons on the 29th April last.

**Mr. M. Maswood Ahmad**: For releasing Mahatma Gandhi, do Government require any written assurance that he will not revive the civil disobedience movement?

**The Honourable Mr. H. G. Haig**: I do not think anything has been said about a written assurance.

**Mr. M. Maswood Ahmad**: Are Government aware that Mahatma Gandhi has directed all his efforts nowadays to the upliftment of the Depressed Classes?

**The Honourable Mr. H. G. Haig**: No, Sir; I am not aware that he has devoted his whole attention to that subject.

### STAFF REQUIREMENTS IN THE ACCOUNTS BRANCH OF THE HEAD RECORD OFFICES OF THE RAILWAY MAIL SERVICE.

1411. **\*Mr. K. P. Thampan** (on behalf of Sardar G. N. Mujumdar): (a) Will Government be pleased to state whether, as in the case of Post Offices, any data has been fixed to regulate the staff requirements to work in the Accounts Branch of the Head Record Offices of the Railway Mail Service and, if so, to what effect?

(b) If the reply to part (a) above be in the negative, will Government be pleased to state whether they intend to make such arrangements?

**Mr. T. Ryan:** With your permission, Sir, I shall take questions Nos. 1411 and 1412 together. The replies given by me to the Honourable Member during this Session—on the 9th of this month—to the same questions, numbered 1098 and 1099, still hold good.

**TAKING OF REST BY THE RAILWAY MAIL SERVICE OFFICIALS AT OUT-STATIONS.**

†1412. **\*Mr. K. P. Thampan** (on behalf of Sardar G. N. Mujumdar): (a) Will Government be pleased to state whether any standard has been laid down, in the case of **Railway Mail Service officials** working in sections, with regard to the taking of rest at the out-stations after the completion of their prescribed duty in running trains and, if so, to what effect?

(b) If the reply to part (a) above be in the negative, will Government be pleased to state whether they intend to prescribe one?

**PROTECTION TO THE COTTON HOSIERY INDUSTRY.**

1413. **\*Mr. J. Ramsay Scott:** (a) What are the obligations of the Commerce Department of Government *vis-a-vis* the industries of India? Are its duties to consider the complaints of foreign competition?

(b) Is the Department able to help Indian industries which are suffering from foreign competition?

(c) Does the Department consider whether or not a case should be sent to the Tariff Board?

(d) If Indian industries consider that they are not being fairly treated by other Government Departments, is the Commerce Department the Department to which an appeal should be addressed?

(e) Have Government had an appeal for protection from cotton hosiery manufacturers?

(f) Did the Tariff Board suggest that this industry should be treated "not otherwise than cotton piece-goods"?

(g) As cotton piece-goods are on the protected list, will Government please state why cotton hosiery goods do not enjoy the same protection as cotton piece-goods?

(h) Are Government aware that the cotton hosiery industry is suffering from intensive competition due to the depreciated currencies of some foreign countries?

(i) What steps do the Commerce Department propose to take to save this industry from being ruined?

**The Honourable Sir Joseph Bhoré:** (a), (b) and (c). Applications made by Indian industries for tariff assistance are examined in the first place in the Commerce Department, but it does not act independently of the other Departments of the Government of India which may be concerned. As regards the policy of the Government of India in regard to such applications, the Honourable Member is referred to the Resolution of the Government of India, Department of Commerce, No. 3748, dated the 10th July, 1923, which was published in the Gazette of India of the 14th July, 1923, a copy of which is in the Library.

(d) No.

(e) Yes.

†For answer to this question, see answer to question No. 1411.

(f) and (g). The Honourable Member is presumably referring to the Cotton Textile Industry enquiry held by the Tariff Board in 1926-27, but, in the first place, he has not quoted the Board correctly and, in the second place, the extraction of a single sentence from its context is likely to be misleading. The Board's own summary of its recommendations is contained in the following words:

"No justification has been established for the special treatment of the hosiery industry."

(h) and (i). The Government of India have received representations to that effect from certain manufacturers of hosiery who have, it is understood, also made representations to the Tariff Board. These representations have presumably received attention and the recommendations of the Board will receive the consideration of the Government of India.

#### PREFERENCE TO GOODS MANUFACTURED IN INDIA.

**1414. \*Mr. J. Ramsay Scott:** (a) Are Government aware that the Report on the Indian Stores Department, London, for the year 1931-32 shows that woollen goods to the value of £41,741, comprising sewing, braids, felt (if woollen), cap comforters, shalloon, socks and cardigans were purchased in London?

(b) Are Government aware that such articles as felt (woollen), cap comforters, socks and cardigans are manufactured in India?

(c) In view of the fact that the Indian Stores Department is supposed to give preference to goods manufactured in India, will Government please state why these goods were not purchased in India?

(d) Were manufacturers in India asked to tender for these goods?

**The Honourable Sir Frank Noyce:** (a) Woollen goods to the value mentioned by the Honourable Member are shown in the report on the Indian Stores Department for the year 1931-32 as having been purchased. He is, however, not correct in assuming that the articles purchased were those mentioned by him. The figures of purchase shown in appendix B of the Report refer to the main classification of stores given in the first column of the statement which is headed "Government of India's classification". The description of stores given in the second column appears year by year in the Report and is merely an additional and amplified classification which does not purport to specify the articles purchased during the period under review. Full details of the stores under the heading "Woollen Goods" valued at £41,741 are not available in India. Particulars, however, regarding purchases of woollen goods to the value of £37,400 are available, but none of these purchases relate to any of the articles mentioned by the Honourable Member.

(b) Yes.

(c) and (d). I am not at present in possession of precise information as to why the goods of which particulars have been given in my reply to part (a) were not purchased in India, but I am making enquiries on the point.

**Mr. Gaya Prasad Singh:** May I know for what purpose these woollen goods were purchased in England?

**The Honourable Sir Frank Noyce:** I have explained in my reply to parts (c) and (d) that I am not at present in possession of precise information as to why they were not purchased in India, but I am making inquiries on that point.

**Mr. Gaya Prasad Singh:** My question was, for what purpose were they purchased there?

**The Honourable Sir Frank Noyce:** Because they were required.

**Mr. Gaya Prasad Singh:** By what Department?

**The Honourable Sir Frank Noyce:** I think by the Army Department.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to lay on the table the result of the inquiry?

**The Honourable Sir Frank Noyce:** Certainly, Sir.

**Mr. J. Ramsay Scott:** Is the Honourable Member aware that the headings I have given are those mentioned in the report?

**The Honourable Sir Frank Noyce:** I am quite aware of that fact. If the Honourable Member will look at the report again, he will see that the heading of column A is "Government of India's classification". The heading of column B is "Indian Stores Department additional classification". What that means is merely that the articles under that head are also included in heading A, i.e., that the various things, such as comforters, sewing, braids, caps, etc., if they are made of wool, come under the head of woollen goods. That is all that it means: it is merely an *aide memoire*. As a matter of fact, I do feel that the classification is somewhat misleading and I am taking up that point.

**Mr. J. Ramsay Scott:** Thank you.

**COMMUNAL COMPOSITION OF THE SUPERINTENDENTS OF POST OFFICES IN THE UNITED PROVINCES POSTAL CIRCLE.**

1415. **\*Mr. M. Maswood Ahmad:** Will Government please state what the total number was of Superintendents of Post Offices in the United Provinces Circle on (i) 1st August, 1926, (ii) 1st August, 1928, (iii) 1st August, 1930, and (iv) 1st August, 1932, showing separately the total number of (1) Hindus, (2) Muhammadans, and (3) others on each of these dates?

**The Honourable Sir Frank Noyce:** A statement giving the required information is laid on the table.

*Number of Superintendents of Post Offices, including Assistant Postmasters General, in the United Provinces Circle on various dates.*

Date.	Number of Superintendents.	Hindus.	Muslims.	Others.
1st August, 1926 . . . . .	20	5	9	6
1st August, 1928 . . . . .	20	9	6	5
1st August, 1930 . . . . .	21	9	8	4
1st August, 1932 . . . . .	18	11	4	3

**DECREASE IN THE NUMBER OF MUSLIM SUPERINTENDENTS OF POST OFFICES  
IN THE UNITED PROVINCES POSTAL CIRCLE.**

**1416. \*Mr. M. Maswood Ahmad:** (a) Will Government please state the present total number of Superintendents of Post Offices and Railway Mail Service in the United Provinces, showing separately the total number of (i) Hindus, (ii) Muhammadans, and (iii) others who actually hold charge of the Divisions either as permanent or officiating Superintendents?

(b) Is it a fact that the total number of Muhammadan Superintendents in the United Provinces Circle has been constantly on the decrease for the last several years with the result that now, out of a total number of 15 Postal and Railway Mail Service Superintendents in that Circle, there is only one Muhammadan Superintendent or so actually holding charge of a Division against 12 or 13 Hindu Superintendents?

—(c) Is it a fact that the Superintendents of Post Offices and Railway Mail Service have recently been given much wider powers regarding punishment, and do Government propose to increase the number of Muhammadan Superintendents in the United Provinces? If so, when do Government expect to do so?

**The Honourable Sir Frank Noyce:** (a) The total number of Divisional Superintendents of Post Offices and the Railway Mail Service in the United Provinces at present is 15, of whom 12 are Hindus, 1 is a Muhammadan, and 2 are of other communities. In addition, one Hindu, one Muhammadan and one member of another community are acting as Assistant Postmasters General.

(b) The actual position is given in the statement laid on the table in connection with the reply just given to the Honourable Member's question No. 1415.

(c) The reply to the first part is in the affirmative. I may mention in this connection that certain representations have been received which are being examined. As regards the second part, Government are not at present considering any proposal to increase the number of Muslim Superintendents in the United Provinces Circle, as the postings of Superintendents of Post Offices are not made solely on a communal basis, but to meet the requirements of the service.

**REPRESENTATION OF MUSLIM OFFICERS IN THE OFFICES OF THE POSTMASTER  
GENERAL.**

**1417. \*Mr. M. Maswood Ahmad:** (a) How many gazetted and other officers are attached to each of the Postal Circle Offices in India and how many of them are Muhammadans as actually working at present?

(b) Is it a fact that in some of the Postal Circles in India the number of Muhammadan officers at the headquarters of the Circle is only nominal or very low, and, if so, how do Government propose to secure an adequate representation of Muslim officers in the offices of the Postmasters-General?

**The Honourable Sir Frank Noyce:** (a) As regards the gazetted staff, a statement is laid on the table. As regards the non-gazetted staff, the information is not readily available and Government do not propose to collect it as the time and labour involved would not be commensurate with



the result. The composition of the total staff of the Posts and Telegraphs Department by communities is given on page 53 of the last Annual Report of the Department, a copy of which is in the Library of the House.

(b) As regards the first part of the question, the Honourable Member's attention is invited to the statement referred to in the reply to part (a) above. As regards the second part, the postings of gazetted officers are made not on a communal basis, but to meet the requirements of the service.

*Statement showing the number and community of the gazetted officers attached to each Postal Circle.*

	Hindu.	Muham- madan.	Other.	Total.
Bengal and Assam . . . . .	5	1	5	11
Bihar and Orissa . . . . .	3	..	1	4
Bombay . . . . .	1	3	7	11
Burma . . . . .	1	..	6	7
Central Circle . . . . .	4	..	3	7
Madras . . . . .	3	..	7	10
Punjab and N.-W. F. . . . .	2	2	6	10
United Provinces . . . . .	3	1	5	9
Sind and Baluchistan . . . . .	2	..	2	4
	24	7	42	73

**Mr. M. Maswood Ahmad:** With regard to the statement of Government that "the time and labour involved would not be commensurate with the result", are Government aware that the Member who puts the question is in a better position to judge whether or not it will be useful to the community or to the country, than Government?

**The Honourable Sir Frank Noyce:** I have referred the Honourable Member to the last annual report of the Department from which he can extract information which will, I think, be of use to him.

#### PROMOTION OF QUALIFIED JUNIOR OFFICIALS TO THE LOWEST SELECTION GRADE IN THE POSTAL DEPARTMENT.

1418. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that some "junior officials", qualified for promotion to the lowest selection grade of Rs. 160/250 in the Postal Department, became eligible and reached their actual turn for promotion to that grade in vacancies which occurred before the 15th March, 1932, due to deaths or retirements other than those under the retrenchment concessions, but were not given the promotion, only due to the existing orders prohibiting such promotions permanently or due to the fact that the vacancies were not filled up and were utilised for the abolition of appointments in the grade?

(b) Will Government please state the total number of such officials in the various cadres in each Circle and Circle Office separately?

(c) Is it a fact that the turn of these officials for promotion to the grade had already come before the introduction of the present system of promotion to the grade and that this fact has adversely affected their case without any fault on their part?

(d) In case the number of such officials in each Circle Office and Circle is really very small, are Government prepared to consider their case and remove their grievance by issuing orders to the effect that these officials should be allowed the same position in the list of qualified candidates as was held by them under the "fifth vacancy" system and should be promoted to the grade in the existing and future vacancies accordingly, being given full benefits of the previous system?

**Mr. T. Ryan:** (a) Yes, but the "junior" passed officials are not the only ones thus affected by retrenchment.

(b) Government have no information.

(c) Yes, but it is retrenchment which has prevented their promotion.

(d) These officials like many others have no doubt been adversely affected by retrenchment, but Government are unable to admit that they have any other special, or remediable grievance. Under the revised system of promotion, they will have ample chances of promotion to the Inspectors' cadre, which carries the same pay as the Lowest Selection Grade. In the circumstances, Government regret that they do not see their way to according to this staff the special treatment suggested by the Honourable Member.

#### EXPORT AND IMPORT OF GOLD FROM INDIA.

**1419. \*Mr. M. Maswood Ahmad:** Will Government be pleased to state, in rupee value and in quantity, what the total export and import of gold is from the time England went off the gold standard up to the 10th November, 1932?

**The Honourable Sir George Schuster:** Exports and imports of gold from the 22nd September, 1931, to the 29th October, 1932, the latest date up to which figures are available, were as follows:

Exports—about 12½ million fine ounces, value about Rs. 94 crores.

Imports—about 330,000 fine ounces, value about Rs. 2-1/3 crores.

#### ESTABLISHMENT OF A FACTORY FOR THE MANUFACTURE OF CARBON PAPERS AND TYPEWRITER RIBBONS IN KARACHI.

**1420. \*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state whether they are aware that a factory for the manufacture of carbon papers and typewriter ribbons has been established in Karachi under the name of "Bharat Carbon and Ribbon Manufacturing Co."?

(b) Is it a fact that that is the only factory of its kind in India?

(c) Will Government be pleased to state if articles of the kind turned out by this factory will have any relation to the Ottawa Agreement?

(d) Are Government prepared to see that this industry is not affected by the Ottawa Agreement or the proposed amendment of the Indian Tariff Act?

**The Honourable Sir Joseph Bhore:** (a) and (b). Yes.

(c) The attention of the Honourable Member is invited to items Nos. 84 and 123 in Schedule F to the Trade Agreement made at Ottawa between His Majesty's Government in the United Kingdom and the Government of India and to items Nos. 195 and 198 in the new Part VIII which the Government of India propose should be added to Schedule II to the Indian Tariff Act, 1894, to implement the Trade Agreement. Copies of both the documents named have, I think, already been supplied to the Honourable Member.

(d) Government see no reason to suppose that the industry in question will be injuriously affected by the Agreement.

**Mr. Lalchand Navalrai:** What are the reasons for Government to think so? This is an infant industry and it should be supported.

**The Honourable Sir Joseph Bhore:** Because, even under the proposed rates, there will be a duty of 20 per cent. *ad valorem* even against British goods and 30 per cent. against all others.

#### PROTECTION AGAINST TEMPLE ENTRY BY UNTOUCHABLES.

1421. **\*Pandit Ram Krishna Jha:** (a) Will Government be pleased to state whether His Excellency the Viceroy and the Governor General in Council received a memorial submitted by the orthodox Hindu community and priests of the temples of Benares, praying for protection against temple entry by the untouchables?

(b) Have the Government of India received a similar memorial from the Meerut Branch of the All-India Varnashram Swarajya Sangh?

(c) If so, has any of the two memorials yet received the consideration of the Government of India and have Government decided to give the protection prayed for?

(d) If the memorials have not yet received the consideration of Government, when are they likely to receive it?

**The Honourable Mr. H. G. Haig:** (a) Yes.

(b) No.

(c) and (d). The policy of Government in regard to controversies on religious questions is one of neutrality.

**Rao Bahadur M. C. Rajah:** Will Government be pleased to state the definition of the term "orthodox Hindu community" and whether the orthodox Hindu community comprises of non-Brahmins or Brahmins, and whether the orthodox Hindu community and the priests of the temple of Benares are the owners of those temples or whether the priests are the servants of the temples depending for their livelihood upon the income of the temples?

**The Honourable Mr. H. G. Haig:** The Honourable Member has prepared a very elaborate supplementary question and I would suggest that he should put it down in writing and give me due notice.

PROTECTION AGAINST TEMPLE ENTRY BY UNTOUCHABLES.

**1422. \*Pandit Ram Krishna Jha:** (a) Are Government aware that amongst the Hindus in every part of India the number of persons holding orthodox views is overwhelmingly large, as compared with that of the dissenters from the orthodox Hinduism?

(b) Are Government aware that there is a very strong feeling amongst the orthodox section of the Hindu population in every part of India against temple entry (either forcible or otherwise) by the untouchables, as it is regarded as a clear infringement of the *Shastric* rules?

(c) Are Government aware that persons, who advocate temple entry by untouchables or removal of untouchability, are mostly, if not exclusively, those who did not observe untouchability from before or who very seldom, if ever, care to go to any temple or attach any importance to worships in the temple?

(d) Have the Government of India decided upon any policy to be followed in the matter of the present agitation for forcing entry in the public and private temples by untouchables?

(e) With reference to the answers given by the Honourable the Home Member, to supplementary questions put by Pandit Satyendra Nath Sen on the floor of this House on the 7th November, 1932, are Government prepared to issue a communiqué clearly dissociating themselves from the present movement as to the temple entry and expressing complete and unqualified neutrality in the matter?

**The Honourable Mr. H. G. Haig:** (a), (b) and (c). Government are aware that there is opposition to the proposal that untouchables should be allowed to enter temples. They are not prepared to give an estimate of the strength of that opposition.

(d) and (e). I would refer the Honourable Member to the reply I have just given to question No. 1421 and to the reply given to Pandit Satyendra Nath Sen's question No. 1306 on the 21st November.

**Diwan Bahadur Harbilas Sarda:** With regard to parts (b) and (c) of this question, are Government aware that Pushkar, which is called Pushkar Raj in India, as being the King of Hindu places of pilgrimage, there is the temple of Brahma which is the only important temple in the whole of India dedicated to God Brahma, and that the Mahant of that temple has thrown open that temple to the untouchables of all classes without any protest on the part of the Brahmins or the orthodox people of that sacred place?

**The Honourable Mr. H. G. Haig:** That, Sir, is a piece of information which, I am sure, the House will be glad to receive.

**Mr. Gaya Prasad Singh:** Is the Honourable gentleman who put the original question in a position to quote Shastras to prove that temple entry is prohibited to the untouchables?

**Pandit Ram Krishna Jha:** Undoubtedly any number; but this is not the occasion.

STATEMENT REGARDING THE CAMPAIGN AGAINST UNTOUCHABILITY ISSUED  
BY MR. M. K. ACHARYA.

1423. **\*Pandit Ram Krishna Jha:** Has the attention of Government been drawn to the statement regarding the campaign against untouchability issued by Mr. M. K. Acharya, an *ex-M. L. A.*, as published in the issue dated November 11th, 1932, of the *Statesman*?

**The Honourable Mr. H. G. Haig:** I have seen the statement.

**Mr. R. S. Sarma:** Has the attention of Government been drawn also to the counter statements from influential quarters published in the press in complete repudiation of the views that this *ex-Swarajist* has been airing?

**The Honourable Mr. H. G. Haig:** I have seen a number of statements on both sides of this controversy.

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THE CRIMINAL LAW AMENDMENT BILL—*contd.*

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is that clause 3 do stand part of the Bill.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): Sir, I move:

“That clause 3 of the Bill be omitted.”

My reason is that this clause, too, is unwarranted and unnecessary. So far as the principle of this clause is concerned, it relates to tampering with public servants and it is unexceptionable. But I think it lies with the Government to show that there are numerous cases in different provinces in India where attempts had been made to tamper with public servants. So far as I have heard, I think the Honourable the Home Member could only refer to certain very few instances in Guzerat. Even admitting them, there is no justification to have a general law for the whole of India. It is not that the Legislature of a country is required to legislate against every thing that may be considered by Government or anybody as not strictly moral or for the best interests of the existing Government. If there are frequent infringements where public servants are actually tampered with, I think there will be no objection to have a clause like this. So I repeat my argument that I urged against clause 2 that unless Government could show that there were cases even during this Ordinance period or even earlier to that, certainly we should revise our opinion and see if there was any necessity for such legislation.

It seems that Government are anxious to create a new caste in an already caste ridden country like India. The officers of Government enjoy great privileges and, because of their high salaries, they have already formed an aristocratic class. But it seems they are anxious to become untouchable also, because even the terms of this clause are very vague as it says that: “whoever induces or attempts to induce any public servant to fail in his duties as such servant”, and so on. Any number of cases can be brought under the purview of the phrase “to fail in his duty”. I

know some of the higher officials think that all their inferior servants are in duty bound to carry out all their orders, whether they are legal or illegal, constitutional or otherwise, and, therefore, if you make the phraseology so vague and so wide, it is not clear to what class of people the scope of this clause may not be extended. Further, the definition of the words "public servant", though it has been improved by the Select Committee by making it definite, is still so wide that it includes a railway servant, a village *chowkidar* and an employee of a public utility service as defined in section 2 of the Trade Disputes Act. Sir, in the Ordinance itself "public servant" did not include all these classes such as any public servant on a railway administration or a village *chowkidar*. Now, the definition of "public servant" is so wide that a railway coolie, who may be asked to take a passenger's luggage in preference to taking another passenger's luggage, may also take shelter under this clause, and any man may be put to difficulties. There are large numbers of village *chowkidars* throughout the length and breadth of India, employes of public utility services like Corporations, Municipalities, District Boards, Local Boards and Union Boards, and all these people will come under the definition of a "public servant", and any inducement or attempt to inducement to fail in their duty will be punishable with imprisonment for a term of one year or with a fine of an unlimited amount. Unless, therefore, the Honourable the Home Member can make out a specific case that there is an urgent necessity for such a clause in this emergent Bill, I urge that this clause should be entirely omitted.

**Mr. B. N. Misra** (Orissa Division: Non-Muhammadian): Sir, of the several clauses in this Bill, the present clause, which is now under discussion, seems to be the most imaginary. As my friend, Mr. Mitra, pointed out, there may be 20,000 or more public servants in India, I am putting a most moderate number . . . . .

**Mr. S. C. Mitra:** The Railway Administration itself has got several lakhs of people.

**Mr. B. N. Misra:** All right, there may be some lakhs, but can the Honourable the Home Member point out even a hundred cases of public servants who have failed to discharge their duties either in pursuance of the Congress movement or any other movement? This is like the Sanskrit saying. . . . "Siro nasti kutah byatha?", which means "you have no head, but wherefrom are you getting headache?" (Laughter.) I want to know from the Honourable the Home Member whether he can cite any cases in which the public servants have failed in their duties? Can my friend point out, out of the several lakhs of public servants in the country, at least 1,000, 500, 100 or even 10 cases which have come to his notice, of public servants who have failed in their duties? Can he say that even one per cent. of the total number has failed? As has been said, the whole Bill is directed against the Congress movement. It appears to me, Sir, as I said in the beginning of my remarks, that this is a most imaginary case. Supposing a cook fails to prepare food at a proper time and he delays to prepare the food by, say, 20 minutes, then certainly he will come under this definition (Laughter), because the cook has not prepared the food by a certain time and, therefore, the master, a public servant, has failed in his duties and so he must be punished with one.

[Mr. B. N. Misra.]

year's imprisonment. I appeal to the Honourable the Home Member to consider the effect of this vague clause. Of course, Magistrates will be ready to hear such cases and award punishments. It reminds me of a talk I had with a Magistrate who, in a particular case, had gone wrong in his judgment. He said: "Well, our superior advisers have said we must have an elastic conscience, *i.e.*, a conscience that will not feel pricks and so we should also have no conscience. The biting of conscience must be like a foot ball; it will come and go, but it will not affect our conscience." So, perhaps, this Legislature is now played like a foot ball; anything can be carried in this House. I am sure, the Government will carry even this vague motion. I appeal to all Honourable Members not to agree to such an absurd clause as this. The question is: are there many cases at all to justify the introduction of such a clause like this?

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): There have been many such cases.

**Mr. B. N. Misra:** I am asking the Honourable the Home Member to tell me how many such cases there are.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Were those cases in the North-West Frontier Province?

**Mr. B. N. Misra:** Sir, this clause ought not to be on the Statute-book at all without sufficient justification. Now, what is the meaning of this phrase "induces or attempts to induce a public servant"? Suppose a child has a fall, and if the doctor is late by half an hour, if the wife asks the husband to stay, she comes under this definition, because he fails in his duties. The motive must be taken into consideration, but nothing is said about the motive. Supposing a boy is ill, and his mother tells the father to take care of the boy for just half an hour, but if the father happens to stay away owing perhaps to more pressing or urgent work, can she be punished? I appeal to the Home Member that, before he hears any further speeches, he should at once agree to withdraw this clause. Of course, as an Englishman he is equipped with a better command of the English language than I can claim to possess and he will be able to give a proper explanation. The whole clause is absolutely vague and meaningless. Suppose when a carriage passes along the road, a dog barks and the carriage tumbles down, will the dog come under the purview of this clause? (Laughter.) What is the motive behind all this, I for one cannot understand. Sir, I, therefore, whole-heartedly support the motion that this clause be omitted.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): I rise to support the amendment moved by Mr. Mitra. The clause, as originally drafted, was very drastic and the Select Committee tried its best to amend it. Even in this amended form it is not worth acceptance by this House. I am conscious that when Government, in their overweening confidence allowed Mahatma Gandhi to proceed in his progress to the seashore where he broke the Salt Law, there were a number of village officers in Guzerat who were induced to give up their service and, in many places, Government servants, on account of the boycott

proclaimed against them, were put to very great inconveniences I have to admit all that, because I am personally aware of what things were done in the province of Guzerat in the name of boycott. But, Sir, all those persons, who took part in that propaganda and all those who gave up their services or offices on account of the propaganda, ultimately came to repent of their hastiness and many of them approached Government to pardon them and to take them back in their service. All these people have come to realise that such attempts to make Government futile are failures and certainly recoil on their heads. So I do not think that even if the Congress were allowed to make a serious propaganda even in Guzerat, they will find a considerable number of officers and men who will be foolish enough to comply with their demands to give up Government service. The experience of the past has been enough for them and I am quite sure that any person who attempts such inducement will meet with a severe rebuff. I do not know what the condition was in other parts of India, but I am led to believe that it was not so very serious, and if there were any attempts at all, they must have been very sporadic and of no consequence whatsoever. Under these circumstances, I hold that there is no need for such a clause which, without assisting the Government in administration business, will give a very wide loophole to low-paid officers to bully and to frighten innocent people with prosecution.

If we consider the provisions of the clause, we will at once find that an accusation under the clause can be very easily brought by an unscrupulous person. "Whoever induces any public servant—" that is something. If a person induces a public servant to fail in his duty, he must have done some act causing inconvenience to Government and, therefore, it might be argued that he should be hauled up before a Court of law and punished. But what is the second part? "Or attempts to induce". The attempt is not successful. The officer against whom that attempt has been made is staunch in his devotion to Government, sticks to his duty and no evil effect has arisen. Still the person who attempts to induce any public servant to fail in his duty is held equally liable to be punished. And who are these officers? Not only those who come under section 21 of the Indian Penal Code, but also a servant of a local authority, etc. A local authority may be a municipality, or a village panchayat or a district local board. The servants of such local authorities are very poorly paid, are very badly paid, and, therefore, this power places in their hands an inducement to frighten other people with prosecution under this clause and to get gratified in some other way. The clause again says: "a servant of a railway administration". We are not at all afraid of high paid officers, but we are afraid that false and frivolous complaints may be lodged by low paid officers in order to benefit themselves. And that is the reason why we, on this side, are so very strong in opposing this clause. As regards village *chowkidars*—I do not know what the condition is in other parts of the country, but the *patil* in a village in the Bombay Presidency is, I understand, the same as the village *chowkidar*—we know for instance in the village the *patil* is a very important person, and he belongs to one faction and there are other people who belong to another faction, and it is not very rare that *patils* take one side and accuse members of the other faction. And this clause will give opportunities to these village *chowkidars* to wreak their vengeance on people who do not side with them.



**Dr. F. X. DeSouza** (Nominated Non-Official): The *chowkidar* is watchman and not a *patil*.

**Mr. B. V. Jadhav**: I understand he does the same work as the *pati* does in the Bombay Presidency.

**Rao Bahadur B. V. Sri Hari Rao Nayudu** (Madras: Nominated Official) He is not a village headman, but a *talaiyari*.

**Mr. B. V. Jadhav**: The matter becomes still worse, I do not think that there is any necessity to give protection to the servants of local authorities or railway administrations. If the administration of a local authority is disorganised, the people themselves will suffer, and I do not think that any sane person, any sane Congress worker will attempt to induce the servants of local authorities to give up their service and thus cause inconvenience to the locality in general. Therefore, there is no necessity for bringing the servants of local authorities under the definition of a public servant. So also in the railway administrations. The low paid officers of railways cannot disorganise the railway administration or the railway service, and I do not think that there is any necessity for bringing the servants of a railway administration under this clause. Similarly in the case of a village *chowkidar* or an employee of a public utility service, as defined in section 2 of the Trade Disputes Act, 1929. It is very dangerous to include all these persons in the definition of a public servant, because it will deprive any labour worker to organise such bodies and to advise them to go on strikes in order to get their grievances redressed. This strikes at the root of the whole labour question and, therefore, I claim that these persons ought not to be included there. For these reasons I submit that the clause is not needed and I strongly support the amendment.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I very strongly support this amendment. The first and the most important ground upon which I support this amendment is this. Reading the clause as I do and not being acquainted with the English language perfectly, what I want to understand and what I want the Member in charge of the Bill to make the House understand is this. The clause runs:

"Whoever induces or attempts to induce any public servant to fail in his duty,"

and so on. When are you supposed to fail in your duty? I can understand a person preventing a public servant in the discharge of his duty. It is more easily capable of proof. When am I supposed to fail in my duty? A sympathetic officer considers that a lapse on the part of the subordinate is not a failure. Another man, probably attacked with a fit of indigestion, thinking that the official is a habitual shirker, pounces upon the least chance and says: "Oh, the man has failed in his duty". He asks him for an explanation and he turns round and says "I am not responsible". There is an old story among Tamilians which says that a potter was accused of not making his pot properly. The potter's reason was that there was a dancing girl passing and re-passing in front of him and he was always looking at her and, therefore, he was not able to do his work properly. He was ordered to be put on the stocks and when he was taken to the stocks, it was found that he was too lean and the stocks would

not fit him. There was a fat Komati who was passing that way and they said that the Komati was just the man who would fit into the stocks and so they got hold of him and put him in it. This is exactly what is happening here. We used to hear this story in the olden days, but here, in the most solemn manner, the same thing is being enacted into law. You have not defined what constitutes a failure. It all depends upon the state of feeling in the country how cases of this sort will be disposed of. The case would probably go before a Second Class Magistrate. He has got his eye on his promotion.

**An Honourable Member:** First Class Magistrate.

**Raja Bahadur G. Krishnamachariar:** Even if he is a First Class Magistrate, he is only a human being and he wants to get into the next higher job. The regret is all the greater in his case, because the thing is within his grasp and yet it does not come within it.

Well, Sir, my friend, Mr. Jadhav, has pointed out the danger of keeping the word "attempting". Who is there to decide properly that there has been an attempt to make a man fail in his duty? I think ridiculousness cannot go beyond this. Here is a man who has shirked his duty, but he has got a troublesome neighbour and he says "this other fellow prevented me from doing my duty" and straightaway the poor fellow gets six months' rigorous imprisonment. With the amendment that was adopted to the Criminal Procedure Code the other day, there is no chance of asking for an adjournment and taking the case before another Magistrate. You may break your head and yet there will be no redress. I warn this House of the great danger that underlies this clause. If you are a resident in a mufassil station, if you are not particularly anxious to be in the good books of the local officials by *khushamading* them and confessing in many ways that you are their inferior, the even tenor of your life will be at their mercy. I am not exaggerating the position. If you have lived in the mufassil and if you are an influential man, you will know what the position there is. Sir, I have had something to do with legislation and I warn this House that anticipatory legislation is a dangerous thing to resort to. I do not know what happened in the Select Committee, because I have not had the honour of being a member of it, but so far not a single material has been placed before us to show the danger that is attendant upon society by not enacting this provision.

My friend, Mr. Misra, has asked where is your trouble, what is the inconvenience to which you have been subjected, that you should rush to this House and ask for these powers. We may cry ourselves hoarse, but the official block and the rest of the community who do not suffer and who have no personal experience of the suffering will pass this law, but you are sitting on the top of a volcano. It is only an imbecile Government that cannot control their servants that will ask for these powers. A strong Government that have control over their servants will not ask for these powers. Therefore, I ask the House not to agree to this vague, indefinite and ununderstandable clause. Now, the explanation puts the coping stone to the ridiculousness of this clause. I shall take it from the end. It mentions a *chowkidar*. We have not got a *chowkidar* in the Madras Presidency, but my friend here says it is a *talaiyari*. The *talaiyari* or *vetti* is a servant of the village. He is the servant of the village munsif or patel as they call him in the Bombay Presidency. I will tell you

[Raja Bahadur G. Krishnamachariar.]

what exactly are the duties which he performs. The *karnam* sends his demand for the *kist* to the village munsif and the village munsif sends the *talaiyari* to the landholder to bring in the money. Directly the *talaiyari* comes, you have got to give him four annas for toddy. If you don't do that, you will have a two-page report against you and the whole force of the revenue department—I can quote chapter and verse in support of what I say,—will come down on you, simply because you did not pay four annas to the *talaiyari* for his toddy. And, then, he is not able to collect the money, because in these times of depression there is no money to pay. He tells him: "Baba, come tomorrow". He goes and then comes back. That man will not yet pay him. What is the result? Krishnamachariar is prosecuted! Six months' rigorous imprisonment. Why? Because the four annas for the *talaiyari's* toddy has not been paid! I am not exaggerating. I am talking of things that are happening everyday. These *talaiyaris* have got to be paid for it. The District Magistrates know it only too well. If you privately ask some of my friends who are District Officials and who are sitting here, . . .

**Rao Bahadur B. V. Sri Hari Rao Nayudu:** I demur to that statement. It is quite wrong, Sir.

**Raja Bahadur G. Krishnamachariar:** You must have then been living in Paradise yourself.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order.

**Raja Bahadur G. Krishnamachariar:** Very well, it does not matter. There is no question of what is happening in Hyderabad. I am only paying my *kist* to the British Government and that is a very large sum, and that is why it is troubling me. Then the next person protected is the servant of a local authority. I will tell you exactly what happens. The servant of a local authority has got to collect taxes. Quite recently there was a municipal prosecution instituted against my man—not against me, I was here—because he did not pay the house tax for a house which he does not own. The house is in my name. He was prosecuted. Why? Because the tax-collector came to blows with him over another matter not connected with my house. He can easily report "He saw me at a distance and he closed his door." He could not break open the door unless he goes to the chairman and gets an order from him. Then a prosecution starts. You will thus see that there is a very easy way of getting money in these days of depression. Sir, I cannot lay too much stress upon this point. I can quite understand that it is the duty of a Government to govern; I have held something of a responsible post myself although my friends would say it was in a backward place where *talaiyaris* are being bribed and in British India you do not do it. I know a Government has got to govern and that it has got certain duties and that it is impossible to carry on a Government with the threat always hurled at them that unless "you do this or do that, civil disobedience will follow". But surely you do not want a *chowkidar*, a villager, and a *talaiyari* to be protected everywhere "from failing in his duty"! That man never does his duty. (Laughter.) And, then, when taken to task why he does not do his duty, he says: "Is it so? Very well, I am not

particularly in the good books of the officials, because I do not go to railway platforms with garlands in my hands to meet them, nor do I use mellifluous phrases in addresses." Very well, next time the *talaiyari* is accused of failure of duty, he will report that certain things have not been done because of me! Sir, that is the danger, and I warn this House not to agree to this clause but to throw it out lock, stock and barrel.

**Mr. Goswami M. R. Puri** (Central Provinces : Landholders) : Sir, I rise to support this amendment. My Honourable friends, Mr. Mitra, Mr. Jadhav and Raja Bahadur Krishnamachariar, have dwelt exhaustively on the point and so I do not think I need elaborate it, but I want to say one thing here that this clause, as at present drafted, is too wide and it will prove rather very objectionable to people like me who are believers in law and order. In the "Definitions", the village *chowkidar*, the servants of railway administrations and the servants of local authorities have been mentioned. The objections to that have been fully explained by my friend Mr. Jadhav, so I do not think I need say anything more, but I would like to advise the Government that they should not try to rule India with an iron rod, but should try to invite the co-operation of the subjects. With these words, Sir, I support the amendment.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadian Rural) : Sir, this clause is another illustration of clumsy draftsmanship of the Legislative Department of the Government of India. It is one of the clumsiest drafts I have ever come across and a mere perusal of the clause will at once convince the House that it is so. "Whoever induces"—Sir, I think I can claim some knowledge of the language which is the mother-tongue of my Honourable friend, the Home Member. Sir, if it be conceded that sometimes English is better spoken and better understood in countries further off from England, as has been observed by a great statesman, I think my Honourable friends over there will not find fault with me if I quote from the Oxford Dictionary the meaning of the word "induce": "Induce" means 'prevail on, persuade, bring about, give rise to, produce by induction.' Do they mean by the word "inducing" that all these things will be punishable, or do they want to stick to one meaning of the word? If so, I would like to know which. Then, "to bring about": I draw the special attention of the House to the meaning of "bring about" as given in the Oxford Dictionary. Sir, "who brings about": "if he brings about", he is to be prosecuted. Certainly, he cannot "bring about" a failure of what is conceived to be the duty of a public servant! Then, again, "fail in his duty": the word "duty" means, according to that Dictionary, "moral or legal obligation" and also "what one is bound or ought to do": all vague phrases. Then, again, "duty" means "business, office, function". Now we must have a categorical list of all the duties of the various public servants who have been included in this clause even more than the definition in the Indian Penal Code, to which has been added the servants of a local authority, a railway administration, a village *chowkidar* and employees of public utility services as defined in the Indian Trade Disputes Act. They have taken the trouble of defining as to who are to be treated as public servants and they ought to have defined also their respective duties. A man is not likely to know what are really the duties of a public servant contemplated in the clause.

[Mr. Amar Nath Dutt.]

Sir, I shall give one instance about that class of public servants who are called *chowkidars*. I do realise that it will be very difficult for any officer of the Government to define the actual duties and the legal and moral obligations of a *chowkidar*. I remember a *chowkidar* was once collecting fuel from a cremation ground, the remnants of the fire which were left behind after cremating the dead body. I was out in the morning for a walk by the side of a rivulet near my village and I found the man near the cremation ground where ordinarily a man does not go. I was surprised to find the man there and I asked him what was he doing there? He said: "Babu, I am collecting fuel for the *sala*". The '*sala*' here refers to the sub-inspector of police. I was told that every *chowkidar* is to collect fuel, and take the same to the *thana* on the day of his *hazri* which is once a week. Now, this poor man cannot purchase the fuel for the sub-inspector, nor can he steal it and, therefore, the remnants of the cremation ground are the fit things which ought to be supplied to the *sala*. Now, Sir, it may be that it is part of his duty. In Bengal, we know, formerly it was the part of our duty as Zamindars to supply rations for the officers. It is still the practice and, in fact, there are Zamindars—not of my type—who would approach the District Officer with one maund of *ghee*, a dozen fowls and other things which he can hardly consume when he visits the village. Now, Sir, I do not know whether it will also be considered to be a part of the duty of a Zamindar or a part of the duty of the sub-inspector of police or, for the matter of that, the *chowkidar* with the aid of his brother officers . . . . .

**Mr. G. S. Dutt** (Bengal: Nominated Official): The District Officers pay for everything that they take.

**Mr. Amar Nath Dutt**: I take it that officers of the type of Mr. Dutt do pay for everything.

**Mr. G. S. Dutt**: Is there anything to prove that other officers do not?

**Mr. B. V. Jadhav**: Do they also pay in Sind?

**Mr. Amar Nath Dutt**: It will not be proper to give out the names, but I may say at once that District Officers of the type of Mr. Dutt do pay for the things they purchase, and officers of the type of Mr. Dutt are not many.

**Mr. G. S. Dutt**: All District Officers observe the same practice.

**Mr. Amar Nath Dutt**: I do not know that, or it may be that they have no knowledge of what is done by their servants who have got to be pleased before one can approach those mighty individuals. I think Mr. Dutt himself may have some knowledge of these things or may have heard about them at least.

**Mr. G. S. Dutt**: I have already stated that I have not heard of any such things in any district.

**Mr. Amar Nath Dutt:** Then things have improved only in such Districts as were fortunate enough in having my Honourable friend as their District Officer and I would welcome him to my own District not to the detriment of his promotion, but as a Commissioner of my Division.

Sir, two gentlemen have spoken in support of my Honourable friend's amendment, one of them held the high office of a Minister under the Government of Bombay and the other was also a very high officer in an Indian State. Both these gentlemen cannot be accused of any anti-Government attitude, for they are absolutely loyal people. They have cited instances showing how this clause will work to the detriment of the true interests of the Government as well as of the public. With their experience at their back and having regard to the instances quoted by them, I think none but the perverse will say that this clause ought to be on the Statute-book of the country. Then, again, Sir, the labour has no representative in this House. The Government, in their wisdom, nominate a gentleman to represent labour, but unfortunately send him away whenever his services may be needed for some other business. In his absence, I congratulate my friend from Bombay for having taken up the cause of labour and I follow in his footsteps and say that this clause, if enacted, will put an end to all the possible redress of grievances by the one weapon that labour has in its hands, namely, the strikes. That being so, and if the Government really want that all the manifold grievances of labour should be redressed and that every opportunity should be given to the labour and the labour leaders for ventilating their grievances, I beg to submit that Government ought not to introduce at least the Explanation clause. With these words, Sir, I beg to oppose the insertion of clause 3 in the Bill and support the amendment of my Honourable friend, Mr. S. C. Mitra.

**Mr. S. G. Jog** (Berar Representative): Sir, I am glad to find that our old and esteemed friend, Raja Bahadur Krishnamachariar, has come to the House after his last serious illness. I used to see him on this side of the House very near me and often times I had to follow him in his remarks. Today I find that he has changed sides and has gone to the other end and I do not know whether it is the right end or the wrong end. I had thought that probably the change of seat would bring about a change in his angle of vision also. I am glad to find that the old experienced man is the same as while he was sitting here.

**An Honourable Member:** Why is he sitting there?

**Mr. S. G. Jog:** Whether he is on these Benches or on those Benches, it matters very little. He carries his own views with him and seats make no change on him. A man of ripe experience, and a keen observer, as remarked by my Honourable friend, Mr. Amar Nath Dutt, has thought of entering public life; he first entered the legal profession and, in his retiring days has come back to public service by entering the Legislature. He has got wide experience, both practical and judicial, and he has in strong and unmistakeable terms said that the language of the clause is so vague that it is impossible to work it. My Honourable friend, Mr. Jadhav, also has condemned this clause as unworkable in practice. In this emergency legislation, I find vagueness of language, confusion of ideas, false notions of putting restraint and restrictions on liberty, and creating false alarm of imaginary grievances. These are the dominant features of this

[Mr. S. G. Jog.]

emergency legislation. The Government Benches probably think that in such an emergency Bill, accuracy of language, accuracy of thought and other propriety need not at all be considered. As it is an emergency measure, even the common meanings of these words also are brushed aside and the Government put in words they like, howsoever vague in meaning they may be. Emergency legislation is not prepared to obey or respect even these ordinary restrictions of language, etc. The wrong which the Government seek to remedy probably will, in the end, prove that the remedy is more dangerous than the wrong itself. (Hear, hear.) The real difficulty is that those who sit in this House, I mean the occupants of the Treasury Benches—most of them, I am sorry to say, are not concerned or connected with the realities of life in the mufassil . . .

**An Honourable Member: Question.**

**Mr. S. G. Jog:** They all sit here in this Imperial City making laws and, at the time of making laws, they do not bestow any attention as to how far these laws will be workable in the villages and other places. They do not correctly judge and gauge what sorts of factions there are in these villages and what sort of so-called public servants there are in these villages? What is their calibre? What is their education? From an I.C.S. of 30 years' standing down to the latest recruit of a *chowkidar* are included in this definition of public servants. What is their education and what is the status of these small officials? They have always got their own grievances. At times they want to take vengeance against other people in the same locality and it is very likely that in many cases, instead of doing good to the people, they will take advantage of measures like the present legislation to wreak vengeance against their own village folk. Probably this aspect of the case has not been brought to the forefront. Government have got only one idea, that is to put down the civil disobedience movement and they think that all possible safeguards must be given to the officers employed by Government, whatever may be the consequences. Government have not bestowed any thought as to how far the provisions of this clause are workable in actual practice and what will be the effects of such a clause.

The theory of legislation is that when we frame laws, we must see that they are properly administered. If the language of a clause is so vague, that while administering the law, it is very difficult to construe the language, then, in many cases, it will lead to injustice and more than injustice. This is one aspect of the case. The clause, as it is, is defective, and it has not made any provision for possible contingencies.

When this clause was under discussion in the Select Committee, I pointed out that there was no provision in the clause to safeguard the interests of the several members of the so-called trade unions which are being established all over India. When the matter was under discussion, I pointedly brought to the attention of the Honourable the Home Member, as well as the Law Member, and a sort of assurance was given that whatever may be the language of the clause, it does not cover the cases I referred to. I mean the members of the trade unions have every right to form associations and they have every right to place their grievances before the highest official and they have every right to call a member of

the union to go on strike and they have every right to ask him that, on a particular day, he should go on strike and thus fail to do his duty to the railway department or whatever the department be in which he is employed and to which the union might belong. It is perfectly legitimate that that right should be given to these unions. But the clause, as it stands, is capable of being misunderstood as to whether these unions come under the provisions of the clause. A layman will be perfectly justified in having such a sort of misunderstanding. You know, Sir, that my esteemed Leader, Sir Hari Singh Gour, whose knowledge of law is unquestionable, not only on the floor of the House, but also throughout the world, has also expressed the view that the clause is defective in that it has not made any provision for these strikes on the part of members of trade unions. It is because of this view that I am rising today and insisting upon Government that in case the clause is decided to be retained in the Bill, there should be a provision like the one I have suggested, so that there should be no misunderstanding. I should like to draw the attention of the House to the fact that such a provision does exist in other similar Acts, such as section 4 of the Police (Incitement to Disaffection) Act, Act XXII of 1922. In that Act, which is more drastic and which, according to the Government idea, is more dangerous and harmful, even there the provision exists, "saving of acts done by police associations and other persons for certain purposes". Section 4 of that Act reads:

"Nothing shall be deemed to be an offence under this Act which is done in good faith :

- (a) for the purpose of promoting the welfare or interests of any member of a police force by inducing him to withhold his services in any manner authorised by law; or
- (b) by or on behalf of any association formed for the purpose of furthering the interests of members of a police force as such, where the association has been authorised or recognised by the Government and the act done is done under any rules or articles of the association which have been approved by the Government."

This is the provision which has been incorporated even in the Act which is styled the Police (Incitement to Disaffection) Act.

As it appears from the newspapers, we are now faced with a general strike on the railways, and I think some such explanation is necessary for the clause either by way of explanation or in any other way that the Government draftsmen may wish to incorporate in this law. I think if the clause is allowed to stand as it is, it will probably lead to more abuse than use and I still stick to my opinion that the clause be better deleted. I support the amendment of my Honourable friend, Mr. Mitra.

**Sardar Sant Singh** (West Punjab : Sikh): Sir, yesterday the Honourable the Home Member, when advocating the retention of clause 2 in the Bill, said that in order to maintain the prestige of the services this provision was necessary. Here is another clause which does not deal with prospective public servants, but the public servants who are actually enjoying the confidence of Government. The introduction of this clause goes to prove that the administration has come to such a state that Government cannot repose any confidence even in their own public servants. If the prestige of public servants is to be kept high, it is but fair to them that this clause should be deleted. After all, if a public servant cannot be trusted to do his duty, simply because other persons come forward and induce him or attempt to induce him not to do his duty, then public



[Sardar Sant Singh.]

services do not carry that credit which Government say they ought to carry in the eyes of the people. They are not punishing any overt act of obstruction or deterring them from doing their duty; they are punishing mere inducement not to do their duty. A public servant is not worth his salt and should not be kept in his job for one minute if he cannot be trusted to look after his own self and see where his interest lies, whether he should be loyal to his service or otherwise. Such a provision in the Bill shows the weakness of the Government and not the strength of the administration.

Then, with regard to the policy underlying this clause, it is too general and too vague for administration by any Court of law. First of all, I will take the Explanation which defines a public servant. We know that section 21 of the Indian Penal Code defines what public servants are. There are 11 clauses to that section and 3 Explanations. It is made as comprehensive as legal ingenuity could make it. Besides those 11 clauses and 3 Explanations, we find a general clause which brings in every sort of individual who holds any responsible office under the Crown. We know also that besides this definition embodied in section 21 of the Indian Penal Code, there are certain other local Acts in which their servants are given the status of public servants. Even this definition at the time was objected to. We find the following in Sir Hari Singh Gour's "Penal Law of India", paragraph 162:

"The too comprehensive nature of the description of 'public servant' was objected to at the time of the draft, but the Indian Law Commissioners defended it, adding: 'Supposing the several descriptions he (*Mr Norton*) specifies to be as comprehensive as he takes them to be, yet it does not appear to us that they are faulty in this respect, with reference to the provisions in the two Chapters relating to public servants in the application of which recourse will be had to them. We think they will be found sufficiently distinct and definite for the purpose they are to serve. We have no apprehension that there will be any difficulty in determining who are positively excluded as not falling under any of the descriptions in clause 14'."

So even at that time this definition of "public servant" was objected to. Today we find that not only is section 21 followed, but in the Explanation it is said:

"For the purposes of this section, a public servant denotes a public servant as defined in section 21 of the Indian Penal Code, a servant of a local authority or railway administration, a village chowkidar, and an employee of a public utility service as defined in section 2 of the Trade Disputes Act, 1929."

Now, in the report of the Select Committee on this clause it is said:

"In re-drafting the Explanation we have aimed at achieving definiteness by an exhaustive enumeration of the persons to be deemed public servants for the purposes of the clause."

I put it to Honourable Members whether there is any definiteness in this definition. The whole crowd of public servants is included. The village *chowkidar*, probably a railway pointsman or anybody who has anything to do with the services is included in this definition. Why add the word "public"? Say "a servant of the Crown in any capacity whatsoever is included within this definition". In that case one difficulty felt by the Magistrates will be removed and they would not be required to go into details as to what is the difference between a public servant and an ordinary servant employed in any department of the State. There is no definiteness there. We find that in interpreting section 21 of the Indian Penal Code, even

the High Courts have found it difficult in some cases to find what a public servant is. It depends on whether their duties fall within the categories mentioned in section 21, but here the public are asked to respect or to keep themselves away from the touch of a man who may call himself a public servant. It is not for an ordinary man to tell whether a particular individual within the service of the State is a public servant or not, when it is very difficult even for lawyers to decide it. Hence my submission is that in this definition attempt has been made to rope in all the servants of the State and the question will be, whether this will be found workable in actual practice.

Another point is that the punishment is directed against inducing a public servant to fail in his duty. The analogous sections in the Penal Code are section 353, and its aggravated forms, sections 332 and 333, etc. Therein certain acts of assault on public servants are made punishable, but what are the qualifications laid down in those sections? You will be pleased to find that the framers of the Code were very careful in qualifying the duties.

The section reads:

“Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done by such person in the lawful discharge of his duty as such public servant, etc.”

So many qualifications have been laid down and, even with all these qualifications, we find a good deal of conflict of authority in the various High Courts whether a particular duty in execution of which the public servant was assaulted was the lawful discharge of his duty or whether it fell within the purview of duty or not. Some High Courts have held that a particular act of the public servant falls within his duties, and other High Courts have held that it does not. Then the question of good faith and acting under the colour of office formed the subject of many authorities. But here we are faced with a bald section and the clause reads:

“induces or attempts to induce any public servant to fail in his duty as such servant.”

There is a significant omission of the word “public” after “as such”. May I ask, who is going to define the “duty” of such public servant? The term is beautifully vague. When penal enactments are couched in vague language, the Magistrates find it difficult to interpret them. In such cases what happens in the original Courts is that, instead of liberally interpreting the section in favour of the accused, the Magistrates generally say “let him be convicted, and we will have a ruling of the High Court on this point.” The poor man has to suffer so that the public service may get an authority from the High Court as to what the meaning of a particular phrase is. Here everything is left undefined and vague.

Under the circumstances, my submission is that to be a party to such a law would be an act which will be inexcusable for any Member of this House. Lastly what I want to say is that such an enactment does not restore the confidence of the public in the administration. I tried my level best yesterday to emphasise this aspect of the case, that the administration

[Sardar Sant Singh.]

stood more in need of winning the confidence of the public than of losing it. Already the administration has lost a good deal of confidence. If you want to run this machinery of Government very smoothly, you ought to run it with some broadmindedness, with more statesmanship and not with the narrowmindedness of punishing anybody who wants to stand in the way of a public servant. Practically you are giving a blank cheque to the public service to commit acts of highhandedness to which you cannot call attention either in the press or on the platform. Why are you playing into the hands of the civil disobedience people? Practically you are dancing to their tune. The Government are dancing to the tune of those who are engaged in the civil disobedience movement. Therefore, I will appeal to them to be reasonable, to be statesmen, to be broadminded before they enact such a law as this. I support the amendment.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I support the amendment. My objection to this clause is that you cannot define what duty is. Secondly, if it is properly and strictly operated on, it would lead to absurdities. Nobody would be safe in this House if this clause is enacted into law, if I may say so. We commit offences against this clause every day of our life. Take the case of a servant of a local authority or a village *chowkidar*: local authority means a municipality. Under the municipal law, rates and taxes are payable on a particular day; no demand is necessary. A man comes to collect the taxes and we always say, come on such and such a day—there may be special days when we pay our taxes. But if we ask him to go away and come again, are we dissuading that man from performing his duties? He is not bound to come again. In that case, we should be liable to conviction under this clause. Moreover, this may be a trivial deviation in the particular case which I have stated. But, all the same, that will bring me within the purview of this clause. It makes no difference here between trivial failure of duty or gross failure of duty. By the addition of the Explanation you are enlarging the number of persons who are to be considered as public servants. The Bill has made the provisions of this clause cruel and incapable of execution without causing great hardship in certain cases. I was trying to find out the genesis of this clause and I found that this clause originated at the time of the war in the rules provided under the Defence of India Act. There, although it was a very great trouble at that time, the Government absolutely wanted to be secure that public utility companies and railways should be protected and that they should work properly; still the rules limited the operation only to public servants or rather the servants of His Majesty. I shall read that clause:

“No person shall induce or attempt to induce any person in the service of His Majesty to disregard or fail in his duty as such servant.”

Since then we had the non-co-operation movement in 1920; that was a time when a similar clause ought to have been put in the Statute-book, but nothing was done. The non-co-operation movement passed off without any such clause and, I ask now, what is the necessity of such a clause and such a comprehensive definition of public servant. I would ask the Honourable the Home Member to consider this matter and to delete from the operation of this clause, if he wants to retain this clause, such of the public servants mentioned above, namely, the servants of the local

authority or village *chowkidars*. Moreover, as I said before, it is impossible for any Court to define exactly what the duties are, where the failure comes in and whether it is possible for any person to know exactly the details of the duty. It is a penal Statute that you are making and, if you leave anything vague, it would be disastrous. With these words, I support the motion.

**Major Nawab Ahmad Nawaz Khan:** I oppose this motion as I think that clause 3 is the most important and necessary clause of this Bill. If we are to succeed in keeping down the civil disobedience movement, we must retain this clause. Without this clause, the Bill will be very ineffective.

Some Honourable Members said that these cases are imaginary ones, and that there have been no cases at all. It is all wrong. In Peshawar, the Red Shirts set up a parallel Government disobeying the orders of the Civil Courts, the Criminal Courts and the Revenue Courts. The Hindus went to these Courts with decrees and they were stopped. Policemen were stopped from performing their duties, railway people were dissuaded from discharging their duties, and, consequently, the Government were compelled to call for the aid of the Military. The authorities were forced to employ the Military, and, in some cases, the Military were compelled to open fire under the orders of the Magistrates when there was very much trouble and turmoil. If Honourable Members do not believe what I say, I would request them to read the statements issued from time to time by the Government in that Province and also the newspapers of those days. Unfortunately, the Chief Commissioner of the Province is not present here, otherwise he would have confirmed all that I say. There is one gentleman from that Province here, I mean the Marshal who sits behind the Chair, and he knows all these things.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Bring him into the witness box..

**Sir Abdulla-al-Māmūn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): Present him with a mace.

**Major Nawab Ahmad Nawaz Khan:** Sir, this gentleman has been rendering a lot of good service to the people in my Province, because people have been very much misled by the Congress propaganda. In so doing, these propagandists had not the political aims or objects in view, but they wanted to create trouble by misleading the people, because the Congress gives money to these people. They are all paid. Sir, on one or two occasions, when some of these Congress workers had a plain talk with some of the high officials, they plainly said: "Sir, those who are paid by the Government are the servants of Government, and they discharge whatever duties the Government ask them to do; but we are paid by the Congress and we will do whatever we are asked to do by the Congress as long as the money comes from the Congress. We are all poor and we must take some sort of service. Give us money and we will give up that propaganda." But as we all know, Sir, it is impossible for the Government to keep every soul happy and contented, nor can they offer service to every man in India . . .

**Sardar Sant Singh:** May I rise to a point of order, Sir? May I know the relevancy of my friend's arguments?

**Major Nawab Ahmad Nawaz Khan:** Yes, you wanted to know how many cases there were, and I am trying to give you the number of cases.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is quite in order.

**Major Nawab Ahmad Nawaz Khan:** You put a certain question, and when a proper answer is given to your question, you say it is irrelevant. (Applause from the Official Benches.) Sir, this measure is not intended to apply to gentlemen. It is not directed against the peaceful public. (Laughter.) This measure, as has been clearly explained by the Honourable the Law Member and also by the Honourable the Home Member, is directed against mischief-makers to stop them from making mischief. Those Members who favour mischief-makers will naturally support them by opposing this measure, but those who really want a peaceful life in this country, why should they be afraid of this clause? This is another wrong logic which is sometimes used by my friends here. They say that if a man does not do his duty properly, he will go before a Magistrate and say that such and such gentleman stopped him from doing his duty and the Magistrate would be so rude that he would at once issue a warrant and send the gentleman to jail. Do the Honourable Members really believe that Magistrates as a class are not wiser than those who adorn the Opposite Benches? (Laughter.) Do Honourable Members believe that they are the only people in the world who are gifted with honest motives, that they are the only wisest men, the most prudent men on the face of this earth? If the Magistrates are dishonest, as they have been represented to be, then some of these Members must also be dishonest, because they are their own brethren. They hail from the same class or stock. Sir, I may tell you that the Magistrates know the people in their own Districts very well.

**Sir Muhammad Yakub:** Question

**Major Nawab Ahmad Nawaz Khan:** The Magistrates know who are good and who are bad people in their own Districts, just as your noble self knows very well all Honourable Members and their mentality. (Laughter.) No policeman or no police report can mislead you. The Magistrates know very well when policemen come and tell them that they have been stopped from doing their duty. Magistrates generally know who are the propagandists, and they know who really are the mischief-makers.

Another thing is this. In every District the number of pleaders is very large. They are in such great abundance, and they are prepared for every petty case to go to, and plead in, a Court. In my part of the country—I do not know much about other provinces,—but in my part of the country a pleader takes a case even for one rupee (Laughter), and the duty of that pleader is to advise his client and to tell him how to tell lies. (Loud Laughter.) Is it possible, Sir, that in the presence of these pleaders the Magistrates can do any injustice, because, if the Magistrate is dishonest, the pleader will be doubly dishonest. (Laughter.) He at once tells the Magistrate: "Sir, this man is my enemy, there are party feelings and there are so many cliques." Therefore, as long as we have such nice pleaders in this country, it is quite impossible that this clause

will be abused in any way by the Magistrates or by the police. One of the Honourable Members once said,—I do not remember who it was,—that it was the duty of the Opposition to oppose the Government, whether they are right or wrong. Well, if that mentality prevails, God should help this House. (Laughter.)

**Sardar Sant Singh:** We agree here at least on this point.

**Major Nawab Ahmad Nawaz Khan:** If we have come here with an open mind to do everything to restrict the activities of mischief-makers, then we have nothing to be afraid of. But if we have come here with an eye to securing future votes from our constituencies and to please the public that we have done so much in the House, so that we may be elected again, then these tactics will be all right; but we should have also another idea in mind, and that is really to protect the country and the peaceful people. We here have assembled really to govern the country and to acquire the art of Government, and not to oppose any and every measure that is brought forward by Government . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Will the Honourable Member now come to the specific provisions of clause 3?

**Major Nawab Ahmad Nawaz Khan:** Sir, I am trying to repudiate those objections which have been raised against this clause 3. I do not wish to detain the House for very long, because I know no amount of arguments will convince the Opposition; it is the vote that convinces them. (Laughter.) Therefore, Sir, I oppose the amendment and support that clause 3 should remain as part of this Bill. (Applause from the Official Benches.)

**The Honourable Mr. H. G. Haig** (Home Member): Sir, we have listened to a great number of speeches from the opposite Benches, and I was struck by one common factor which I seemed to detect in them and that was a conspiracy of silence in regard to the conditions and circumstances which have made this clause necessary,—a silence which was broken only by my Honourable friend, Mr. Jadhav. It was started by Mr. Mitra who, with an air of engaging innocence, asked me to prove that there ever had been any interference with public servants. Well, Sir, even in a Court of law I think there are certain matters of common knowledge which it is considered unnecessary to prove, and I should have supposed that in this House it was unnecessary to prove a matter which every single Member of the House must know very well, and that is, that the object of the Congress in the civil disobedience movement has been to paralyse the Government, that one of the most obvious methods of attack on the Government has been to interfere with the loyalty and the good behaviour of public servants, and that in fact at various times there have been intensive efforts to induce public servants to fail in their duty. My Honourable friend, Mr. Jadhav, who hails from Bombay, gave the obvious instance, with which all Honourable Members must be well acquainted, of what happened in Guzerat in 1930 when in fact a very large number of public servants, particularly village officers, were induced to fail in their duty. Now, Sir, that is a condition which Government obviously cannot accept. My Honourable friend, Mr. Jadhav, says that at the present moment the efforts of the Congress are not directed to that particular object. He suggests that those who were inclined to fail in their duty in the past have now learnt their lesson and they are not likely

[Mr. H. G. Haig.]

to do so again. Sir, that assurance is not sufficient. Why have the Congress desisted from their efforts? Why have those public servants whose loyalty had been affected, now changed their minds? Very largely because of the existence of these powers. It is necessary for the Government to safeguard their position. If this clause were not enacted, there would be nothing to prevent the Congress starting up again, at any moment, this insidious and dangerous attack on the loyalty of public servants.

**Mr. B. V. Jadhav:** But they know by bitter experience the effect of this very pernicious propaganda.

**The Honourable Mr. H. G. Haig:** I am very glad to hear that that is so in Guzerat, but it is a question of atmosphere and propaganda, and if propaganda is allowed to continue unchecked, the atmosphere changes. Now, Sir, we have had an attack on the Government from a novel direction and on somewhat novel lines from my Honourable friend, Raja Bahadur Krishnamachariar. He has signalled the transfer of his seat by a display of fireworks which, I am sure, was much appreciated by the House. (*An Honourable Member:* "Send him back here.") As he was speaking, it occurred to me that the Raja Bahadur came from a very tranquil province and that in fact he has not been attending the debates on this Bill. Consequently he appeared to be ignorant of the fact that the civil disobedience movement was in progress; at any rate, he made not the smallest reference to it in the course of his long and ingenious arguments. He seemed to suppose that this clause was intended to give a certain protection to public servants, to strengthen their position, to make them better able to practise oppression on the people or demand illegal gratifications. If I may venture to say so, he had failed to observe that the principle of the clause is to protect Government rather than the public servant. It is the Government which cannot permit these inducements to be offered to their servants. Actually a great part of the argument that the Raja Bahadur directed against this clause could, I think, equally have been directed against the existing provisions of the law, as for instance, section 186 of the Indian Penal Code, which says: "Whoever voluntarily obstructs a public servant in the discharge of his duties . . ." Those were the kind of cases really which he seemed to have in mind and not those which the Government have in mind in proposing this clause, namely, an organised campaign to induce public servants to abandon their duties. Another matter may have escaped the notice of the Raja Bahadur in the remote tranquillity of Madras, and that is, that these powers have been in existence for nearly a year. It would have been more effective if, instead of giving us half a dozen highly interesting but purely imaginative instances of what might happen if we passed this clause, he had given us one single instance of an actual occurrence.

The debate on this particular amendment has ranged over a very wide field. It has covered by anticipation a great many of the specific amendments that are down on the paper, but I think it would be more convenient if we deal with questions of whether labour is in any way handicapped by this clause and various other points of that kind when the specific amendments are reached. I, therefore, do not propose to go into all those points now, but I would merely state that on general grounds I oppose this amendment. (Cheers.)

**Mr. President:** The question is that clause 3 of the Bill be omitted.

The Assembly divided :

AYES—33.

Abdul Matin Chaudhury, Mr.  
Abdur Rahim, Sir.  
Bagla, Lala Rameshwar Prasad.  
Chandi Mal Gola, Bhagat.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Isra, Chaudhri.  
Jadhav, Mr. B. V.  
Jha, Pandit Ram Krishna.  
Jog, Mr. S. G.  
Krishnamachariar, Raja Bahadur G.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Maswood Ahmad, Mr. M.  
Misra, Mr. B. N.  
Mitra, Mr. S. C.  
Murtuza Saheb Bahadur, Maulvi  
Sayyid.

Pandian, Mr. B. Rajaram.  
Parma Nand, Bhai.  
Phookun, Mr. T. R.  
Puri, Mr. Goswami M. R.  
Ranga Iyer, Mr. C. S.  
Reddi, Mr. P. G.  
Reddi, Mr. T. N. Ramakrishna.  
Sant Singh, Sardar.  
Sarda, Diwan Bahadur Harbilas.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Thampan, Mr. K. P.  
Uppi Saheb Bahadur, Mr.  
Ziauddin Ahmad, Dr.

NOES—61.

Abdul Hye, Khan Bahadur Abul  
Hasnat Muhammad.  
Arcott, Mr. A. S. V.  
Ahmad Nawaz Khan, Major Nawab.  
Allah Baksh Khan Tiwana, Khan  
Bahadur Malik.  
Amir Hussain, Khan Bahadur Saiyid.  
Anklesaria, Mr. N. N.  
Anwar-ul-Azim, Mr. Muhammad.  
Bajpai, Mr. G. S.  
Bhore, The Honourable Sir Joseph.  
Bower, Mr. E. H. M.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dudhoria, Mr. Nabakumar Sing.  
Dunn, Mr. C. W.  
Dutt, Mr. G. S.  
Fazal Haq Piracha, Shaikh.  
Fox, Mr. H. B.  
Graham, Sir Lancelot.  
Greenfield, Mr. H. C.  
Gwynne, Mr. C. W.  
Haig, The Honourable Mr. H. G.  
Hezlett, Mr. J.  
Hossack, Mr. W. B.  
Hudson, Sir Leslie.  
Ishwarsingji, Nawab Naharsingji.  
Ismail Ali Khan, Kunwar Hajee.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur  
Sardar.  
Lal Chand, Hony. Captain Rao  
Bahadur Chaudhri.  
Mackenzie, Mr. R. T. H.  
Macqueen, Mr. P.

Meek, Dr. D. B.  
Metcalf, Mr. H. A. F.  
Mitter, The Honourable Sir  
Brojendra.  
Moore, Mr. Arthur.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur S. C.  
Nayudu, Rao Bahadur B. V. Sri Hari  
Rao.  
Nihal Singh, Sardar.  
Noyce, The Honourable Sir Frank.  
Pandit, Rao Bahadur S. R.  
Parsons, Sir Alan.  
Rafiuddin Ahmad, Khan Bahadur  
Maulvi.  
Raghubir Singh, Kunwar.  
Rajah, Rao Bahadur M. C.  
Rastogi, Mr. Badri Lal.  
Rau, Mr. P. R.  
Ryan, Mr. T.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir  
George.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan Gakhar,  
Captain.  
Singh, Kumar Gupteshwar Prasad.  
Singh, Mr. Pradyumna Prashad.  
Smith, Mr. R.  
Sorley, Mr. H. T.  
Suhrawardy, Sir Abdulla-al-Mámün.  
Tottenham, Mr. G. R. F.  
Yakub, Sir Muhammad.  
Yamfn, Khan, Mr. Muhammad.  
Zulfiqar Ali Khan, Sir.

The motion was negatived.

The Assembly then adjourned for Lunch till Twenty Minutes Past Two of the Clock.



The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

### COMMITTEE ON PETITIONS.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order. Under Standing Order 80(1) of the Legislative Assembly Standing Orders, I have to appoint a Committee on Petitions. I have, therefore, to announce that the following Honourable Members will form the Committee:

Mr. G. Morgan,  
Mr. C. S. Ranga Iyer,  
Sir Abdulla Suhrawardy, and  
Mr. B. Sitaramaraju.

According to the provisions of the Standing Orders, the Deputy President, Mr. R. K. Shanmukham Chetty, will be the Chairman of the Committee.

### THE CRIMINAL LAW AMENDMENT BILL—*contd.*

**Mr. S. C. Mitra:** Sir, I move:

"That in clause 3 of the Bill, the words 'or attempts to induce' be omitted."

Sir, the House has not accepted the previous motion for deletion of the whole clause, but yet I hope that the Government might see their way to accept some of our minor suggestions and, with that hope, I move this amendment. Sir, speaker after speaker has made it clear that under this beautifully vague phraseology about the failure of duty of these thousands of public servants, the consequences of making people responsible, even where they merely attempt without any success, and of bringing them under the ambit of this clause will be very serious. Where an inducement succeeds, one can attempt to make a defence against it, but in the case where the allegation is that there was an attempt, I think it will be almost next to impossible for the accused to prove that he has not even "attempted". Where there is a failure of duty on any body's part, as has been pointed out by different speakers, the failure itself being a patent fact may be proved, but any "attempt" even at a failure of duty by a public servant in the discharge of his duty, is very vague. So these are the grounds on which I think that the words "or attempts to induce" should be omitted.

Sir, as I was coming to the House, a friend was asking me what was the special significance of pressing these amendments before the House when there was hardly any chance of their being accepted either by the Government or by the House. But being in the Opposition, I think it is our constitutional duty to press our views before the House and to put it on public record as to how we wanted to improve the Bill and what apprehensions were in our mind and what abuses we were contemplating, because a time will come to prove the justification of our apprehensions. Theoretically speaking, I think in all countries there are well-defined parties—for instance, in the British Parliament or in the American

Senate, where one of the Parties at the General Election has got a decided majority, as happens to be the case in England, the Labour Party having only 60 or 65 votes would have ceased to function from the day of the General Election, or, as it has happened very recently in America, the Democrats have come, and they have a majority in both Houses. Now, according to my friend's view of things, the Republicans should cease to function. The Labour Party in England makes itself felt and the Republicans in America will not cease to express their views. I think, therefore, it is our duty to press before the House all reasonable amendments that we think should be accepted. Sir, it has been said more than once from this side that the nominated Members were merely voting at the dictation of the Government, but I think they can at any rate take the credit to themselves that they are always present in large numbers, while in a House of 100 elected Members—even leaving out the 10 or 11 European Members, we have about 90 elected Members—there should be every chance of public opinion having the strength to carry all these amendments as the country demands. But, unfortunately, I find that though the Congress in its wisdom has ceased to co-operate with the Government, yet many of the gentlemen who thus have got themselves elected fail to discharge their duties by putting in their attendance while many of them are actually present in the city. It cannot be said against the few who are here that notwithstanding heavy odds they, from their sense of duty, did not try to do their best to improve such a drastic and obnoxious pieces of legislation. Sir, with these words. I move my amendment.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadian Rural): Sir, I support this amendment. I was really surprised to hear the Honourable the Home Member a while ago saying for the first time that what this clause aims at is the prevention of an organised campaign in the direction of inducing public servants to fail in their duty. I do take that that is the real gist which he has given us now and I accept the assurance, but may I ask, whether the fact that it will apply only to organised campaigns in the direction of tampering with public servants has been clearly brought out in the clause itself. The clause, as it stands, reads:

“Whoever induces or attempts to induce any public servant to . . . fail in his duty as such servant.”

It is because the clause is so vague, so indefinite and can be interpreted in any manner especially as it has to be interpreted in the first instance by a police officer before it goes to a Magistrate, that we move such amendments to make its meaning quite clear. Sir, I do not wish in the least to throw any discredit upon the magistracy, but I will certainly not raise them to that sky to which the Honourable Member opposite . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Surely the Honourable Member is not replying to the previous debate. The only amendment that is now before the House is that the words “or attempts to induce” be omitted.

**Mr. Lalchand Navalrai**: I do think, Sir, that I am within my rights to say that this clause will be interpreted in a particular manner by a police officer or a Magistrate and that, therefore, all care should be taken and an amendment as this should be accepted. What I am submitting is this that various interpretations have to be put on

[Mr. Lalchand Navalrai.]

this clause. Therefore, we should not leave it as wide as it is. It must be curtailed and the amendment moved by my Honourable friend is a very sensible one and I support it. Just as the Honourable Member said that the object of this clause is a particular one, may I not say that the Honourable Member himself, as well as the Law Member, fully know what are the stages leading to an attempt. As this clause does not define "attempt", there are difficulties which will be experienced by the police officer who sends the accused before the Magistrate. Now, there are several moves according to law in an "attempt". There is, first of all, an intention to commit an offence: then the preparation to commit an offence: and there after is the penultimate act, and in many cases it is only then that an attempt is complete. May I ask the Honourable the Home Member, whether it is not likely that this word "attempt" may be taken to apply to a mere preparation or it may be taken to apply to a mere statement or a word or an advice? Suppose a man has got only an intention to induce, that that will certainly not be an offence, but if he makes preparation, so far as to tell a public servant not to go to his office on a particular day for two hours, it may be turned into an attempt which it should not be. Therefore, I submit, that unless and until an attempt is defined and it shows to what circumstances it will apply, I am afraid, it is very indefinite and should be excluded from this clause. With these words, I support the amendment.

**Mr. B. V. Jadhav:** Sir, I rise to support this amendment. The clause, as it stands, has two parts—whoever *induces* any public servant to fail in his duty or whoever *attempts to induce* any public servant to fail in his duty. I have now nothing to say about the first portion of this clause and I shall confine my remarks to the second item only. I think Government are taking too much power in their hands now to stop any political propaganda. When a public servant is induced to give up the service or to fail in his duty, to that extent Government administration is disorganised. But this disorganisation takes place only when the attempt succeeds. If the attempt is abortive and the Government servant does not give up the service, then Government are not at all prejudiced. I do not see any reason why such an attempt should be made penal.

This act has been made penal on account of the extraordinary circumstances brought about by the present tension. The framers of the Indian Penal Code did not contemplate this action as an offence. This is a new offence and, therefore, there is no necessity for providing a punishment for the attempt. That there will be a great abuse of this clause, is the fear on this side of the House. Sir, when a person is charged with an attempt to induce a public servant to fail in his duty, the principal witness will be the public servant himself and his mere assertion that an attempt was made by the accused to induce him will be the only material evidence that a Court will be presented with, when the Court will have to decide whether the attempt was made or not. If the attempt is made in a public meeting and if the public servant is there in the audience, it is perhaps possible to bring further evidence to prove that the attempt was made in a lecture or a harangue or a speech. But if the public servant comes forward and accuses his adversary or a person, with whom he is not on good terms, that the particular individual attempted to induce him to deviate from his duty, there will be no

other evidence and, in this way, the Magistrate will be placed in a very delicate position as to whether to believe A or B, the complainant or the accused, and as the complainant in that case will be a public servant, perhaps his words may carry more weight and a poor man may be convicted. As I have pointed out, Government are not at all prejudiced when the attempt is not successful and, therefore, Government need not take the precaution of even nipping in the bud any such attempt. If the attempt is an organised one, and if it threatens Government service, then, of course, Government will be right to take powers and to take measures to suppress that movement. But when, as a matter of fact, the attempt is so very weak that it is not likely to succeed and it does not succeed, I think it is not justifiable on the part of the Government to ask for such extraordinary powers. I, therefore, urge that Government in their wisdom will see their way to accept this amendment.

**Mr. D. K. Lahiri Ohaudhury** (Bengal: Landholders): Sir, I rise to support the amendment moved by my friend, Mr. Mitra, for the very simple reason that this particular phrase in this clause will cause so much trouble and ambiguity that it will become very oppressive to the people. We know, Sir, how the law is interpreted by the lawyers and we also know how the Courts of justice deliver their judgments and we also know how the executive use their powers and, therefore, it is necessary that this phrase "or attempts to induce" should be omitted from clause 3. As has been very rightly explained by my Honourable friend, Mr. Jadhav, it will give rise to many complications. Under these circumstances, although the Government are in the absolute majority, they will come to an agreement with us which will be very reasonable and justified.

Sir, the phrase is a very vague one and I will place before the House a concrete case. Sir, during the last few years I have been in close touch with the Railway Mail Service Postal Union. I do not know whether luckily or unluckily I have been elected President of the Bengal Provincial Postal Union. Take, for instance, the strong rumour that the ten per cent. cut will not be restored in the case of subordinate services and that it will be restored only in the case of superior services. If, in a public meeting of postal subordinates, supposing I advise them: "It is the duty of every postal employee to resist this discrimination. You must exert your utmost and combine together and see that equality of treatment is meted out both to the subordinate services as well as to the superior services. You should not abide by the orders of the executive. You must stand on your own legs". Supposing I give such advice, then I will be liable for prosecution in a Court of law. So, this expression "attempts to induce" is liable to be applied in the case that I have just cited. It can bring any sort of people under its clutches, even people, who may be speaking in good faith, will come under this clause and will be penalised. Under these circumstances, I request the Honourable the Home Member, though he is in absolute majority so far as the votes of the House are concerned, I request him to support the amendment.

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, I oppose the amendment. It is an unreasonable amendment and I shall show presently that it ignores an elementary principle of criminal jurisprudence. I should have preferred not to discuss elementary principles of Criminal Law in this House and I do wish that my Honourable and learned friend,

[Sir Brojendra Mitter.]

Sir Hari Singh Gour, would restrain his followers from raising futile points.

Sir, it has been said: "Oh! this word 'attempt' is too vague, it may include preparation and it would place the accused in a position of such difficulty that he will not be able to discharge the onus." Various legal points have been raised. Sir, I shall soon show the futility of each of those points. In the criminal jurisprudence both of England and of this country, "attempt to commit an offence" is a recognised ground of legal liability. That principle has been embodied in the Indian Penal Code, section 511.

**Mr. Lalchand Navalrai:** It applies to the Penal Code alone.

**The Honourable Sir Brojendra Mitter:** That principle has been accepted in the ordinary penal laws of this country. Section 511 runs thus:

"Whoever attempts to commit an offence punishable by this Code,....."

—then the punishment is mentioned:—

"shall, where no express provision is made in this Code for the punishment of such attempt, be punished with transportation, etc."

It shows this, that the principle that an attempt to commit an offence is a ground of legal liability is a recognised principle in the ordinary law of the land. With regard to preparation and other things, I desire, first of all, to draw the attention of the House to another elementary principle that there are ordinarily three degrees in the commission of crime. The first is known as incitement, the second is known as conspiracy, and the third is attempt. These are the three degrees in the commission of a crime. With regard to attempt, Sir James Fitz-James Stephen in his famous book on Criminal Law says this:

"An attempt to commit a crime is an act done with intent to commit that crime, and forming part of a series of acts, which would constitute its actual commission if it were not interrupted. The point at which such a series of acts begins cannot be defined; but depends upon the circumstances of each particular case. An act done with intent to commit a crime, the commission of which in the manner proposed was, in fact, impossible, is an attempt to commit that crime. The offence of attempting to commit a crime may be committed in cases in which the offender voluntarily desists from the actual commission of the crime itself."

Then, Sir, with regard to preparation, my learned friend, Mr. Lalchand Navalrai, says that the word "attempt" as used in this clause may include "preparation". I will now draw the attention of the Honourable and learned Member to a passage in the book which I cited yesterday, that is, Salmond's Jurisprudence, which is neither Simon nor the savoury fish, salmon. (Laughter.) At page 402, Salmond says this:

"To intend to commit a crime is one thing; to get ready to commit it is another; to try to commit it is a third. We may indeed say that every intentional crime involves four distinct stages, intention, preparation, attempt and completion. The first two forms are commonly innocent. An unacted intent is no more a ground of liability than is an unintended act. The will and the deed must go together. Even action in pursuance of the intent is not commonly criminal if it goes no further than the stage of preparation. I may buy a pistol with felonious purpose, and yet remain free from legal guilt. There is still *locus poenitentiae*. But the two last stages in the offence, namely attempt and completion are grounds of legal liability."

Sir, preparation is not a ground of liability under the English system of jurisprudence nor under the Indian system of jurisprudence. The apprehension in the mind of my Honourable friend, Mr. Lalchand Navalrai, is void of foundation.

Then, I take the Honourable Mr. Mitra who said that it would be impossible for the accused to prove that he did not make the attempt. He said that we were calling upon the accused to prove that he did not make the attempt. But who is calling upon the accused to prove anything? It is the duty of the prosecution to prove that the accused did make an attempt. If the prosecution succeeds in proving that, then the offence is established. If the prosecution fails to prove that, then no offence is established. The accused will not be called upon to prove the negative that he did not make the attempt.

I now come to Mr. Jadhav. He says Government are not prejudiced if the attempt is not successful. If that were a sound argument, you might as well say that attempt should not be a ground of liability at all. But we are faced with this fact that every system of criminal jurisprudence with which we are familiar makes attempt a ground of liability.

**Mr. B. V. Jadhav:** But this is a newly created offence and not a regular offence.

**The Honourable Sir Brojendra Mitter:** Then he further says that this clause is liable to abuse, because a public servant may go before a Magistrate and falsely depose that such and such a person did make an attempt to tamper with his loyalty. That danger is always present when a man is prepared to go and perjure himself in a Court of law; it is not confined to this clause only. That danger always exists when there is a possibility of perjury. Why there should be a greater possibility of perjury in connection with tampering with public servants than in connection with any other offence, I cannot imagine. So that is an absolutely futile argument.

**Mr. D. K. Lahiri Chaudhury:** What about my illustration?

**The Honourable Sir Brojendra Mitter:** I did not pay any attention to it.

Then, Sir, it is said that "attempt" is a vague term. I have shown from the books that "attempt" has a very clear legal connotation. The word has been used frequently in the Indian Penal Code and in all the systems of law with which we are familiar. There is no vagueness about that word.

Sir, I oppose.

**Sardar Sant Singh:** Sir, I agree with the legal exposition of the word "attempt" which has been given just now. I quite understand that an attempt has been considered to be a ground of liability in all systems of criminal jurisprudence, and I agree with this aspect of the case too that attempt by itself would be a legal ground of liability in cases where some overt act takes place in pursuance of that attempt. I quite realise the difference between preparation and attempt, that in the preparatory stage

[Sardar Sant Singh.]

no offence is committed and in an attempt everything is done by the culprit but for the interference of a third agency and the offence is not completed. I hope my Honourable friend will agree with me that it is a third agency which comes in and prevents the attempt from becoming a completed offence. Then the words in the clause are "induces or attempts to induce". What is the meaning of "induces"? Supposing he says everything that he can possibly say, that would be inducing a public servant and not attempting to induce. But if he is going to say something, and a third person stops him, that would be an attempt to induce, and it would be very difficult to distinguish between attempt and preparation at this stage. I just want to know what is implied by the term "attempts to induce". After all what is punished here is not an overt act but a mere statement. An attempt from the ordinary layman's point of view would mean that the culprit went there and probably wanted to speak to the public servant to give up his post or somehow fail in his duty. But what would be the meaning of "attempt to induce"? That is a point which ought to have been elucidated and has not been elucidated. My suggestion is that where a statement is punished, as in defamation, "attempt" is not punished, because an attempt in such cases will be meaningless. Here no overt act is committed, but a mere statement is made, and if the attempt to make that statement is made punishable, there will be difficulty in the application of this clause. Therefore, I will support this amendment, because the word "attempts" is superfluous and meaningless in this case.

**Mr. Amar Nath Dutt:** Sir, I congratulate the House on the very able psycho-legal exposition of the words in this clause. Sir, I was also a student of philosophy and probably sat at the feet of the same revered Professor of the Presidency College. But when I heard the Law Member, I said to myself, alas! what a difference! Had that revered Professor been alive, he would have said, have my pupils gone so far in their exposition of psychological principles? As for the legal principles, he has given an analysis from that book of which he is very fond and a book which was not in existence when he was preparing for Doctorate in Law, because had it been in existence at that time he, as a student preparing for the Doctorate in Law, would have given us the date of the 1st edition of that book. Sir, he had also Honours in English for his B.A. and I would have been glad if he had imported a little amount of his knowledge of philology, but unfortunately he has not done so. The word "attempt" means, according to the Dictionary, "try"; but a psychologist, whether he sits at the feet of Dr. P. K. Roy or at the feet of any other Professor, forgets him and goes over to some other authority and says that there are four stages, and the authority, however revered his name may be among the officials, is certainly not remembered with gratitude in India. I mean Sir James Fitz-James Stephen. When he quotes to us the authority of a jurist like Sir James Fitz-James Stephen, the Honourable Member's predecessor in office, I would remind him that there was another predecessor of his, whose claim to remembrance by Indians is far greater, namely, Thomas Babington Macaulay, who drafted the law that my Honourable friend wants to revise. He referred to the Indian Penal Code, the handiwork of Lord Macaulay, but he forgets that Macaulay never dreamt that such things can be brought within the purview of the

Criminal Law. That being so, I submit, that all the psycho-legal arguments that have been adduced in favour of the language used fall to the ground, and we are sorry that we are unable to accept the exposition of my Honourable friend, the Law Member.

Then, Sir, the Honourable the Law Member will also excuse me if I only make a reference to a thing which inadvertently fell from his lips when he said that he did not listen to my friend, Mr. Lahiri Chaudhury. He may be a very insignificant Member of this House, he may have no position in life, but so long as he enjoys the Membership of this House, I think he is entitled to some courtesy.

**The Honourable Sir Brojendra Mitter:** I did not mean any discourtesy; 3 p.m. I was merely stating a fact.

**Mr. Amar Nath Dutt:** Thank you; of course it does not take away the sting of the thing, that he was not paying any attention when an Honourable Member was speaking. Referring to the amendment he was pleased to observe that Sir Hari Singh Gour should be asked to restrain his followers. He should have known that the gentleman who moved the amendment is not a follower of Sir Hari Singh Gour; he is no doubt a follower of another Knight, who was knighted long ago before the Honourable Member; but Sir Hari Singh has no hold upon him. I hope when a gentleman asks a Leader to do something with respect to a Member, he will inquire to which Party he belongs.

**The Honourable Mr. H. G. Haig:** Sir, I had not intended to speak on this amendment after the full exposition of the law given by my Honourable colleague and I must at once confess that I was not educated in the principles of law either under the revered Professor under whom my Honourable friend, Mr. Amar Nath Dutt, sat or anybody else. Consequently all that I can do is to bring my untrained intelligence to bear on this amendment. The case we have to consider is that of an attempt to induce a public servant to fail in his duty. What happens? A Congress agent goes round and either makes a speech or addresses arguments to public servants endeavouring to persuade them to abandon their duty. That is the act that we want to prevent; it matters little whether in fact that act has the desired effect or has not. It is the act itself we want to touch and that act is the attempt to induce: the very essence of the clause lies in it.

**Sardar Sant Singh:** What would be the inducement in that case, may I know?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in clause 3 of the Bill, the words 'or attempts to induce' be omitted."

The motion was negatived

**Mr. S. C. Mitra:** Sir, I move:

"That in clause 3 of the Bill, for the words 'one year' the words 'three months' be substituted."

My short point is this: that it being a newly created offence, if the period of sentence is lessened, it may help to mitigate the rigour of the



[Mr. S. C. Mitra.]

law. That is the only point that I would like to urge before the House; and, before I sit down, I should just like to remind the Honourable the Law Member that his appeal to the Leader of the Nationalist Party will be of no avail in discouraging me not to put forward my amendments. We from Bengal were vastly surprised and were extremely sorry to notice only the other day that the great Leader of the House, a man of such standing in law, in framing a Bill only the other day as regards the fundamental and elementary powers of the High Court, it was only by your kind intervention, Sir, was made to understand what were the fundamental and elementary powers of the High Court. So he can excuse me who had given up attending the High Court for the last twelve years; but, I think, before he asks others to understand elementary principles of law, he should understand on what basis the whole law is based; he should understand that what he is framing is not opposed to such elementary principles and . . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I have allowed considerable latitude to the Honourable Member. The amendment he is moving is that the punishment should be three months instead of one year. He will please restrict himself to that issue.

**Mr. S. C. Mitra:** I have made my statement that it is only to remove the rigour of the law that I move this amendment; I merely wanted to reply to the sermon on law from the Honourable the Law Member.

**Mr. D. K. Lahiri Chaudhury:** Sir, I rise to support the amendment which has been moved by my friend. In supporting the amendment, first of all I confess that I am not a lawyer; neither have I the capacity of advising the Government of India on law. But I have been guided by common sense and I put an illustration just to understand from the Law Member or from the Member who was piloting the Bill as to how far this amendment stood: I just expected a reasonable explanation, whatever that might be, and when I was just developing the arguments on the previous one, I thought it proper and it has been very rightly explained by the Honourable the Home Member in his reply on the previous amendment that it was with that intention . . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The amendment is to reduce the punishment for the offence from twelve to three months.

**Mr. D. K. Lahiri Chaudhury:** I am coming to that . . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Honourable Member has to come to it immediately.

**Mr. D. K. Lahiri Chaudhury:** And to this I think the attitude which has been taken by the Law Member previously will also be maintained in opposing this motion. I know it and I can foretell it; but, still, at least as I come from Bengal, I appeal that really instead of one year the punishment ought to be for three months, because we can easily understand how these prisoners are going to be treated in the jail. In the first place, if the Honourable the Home Member takes a little courage or a little trouble just to go and visit the jails and give a patient hearing to those prisoners

who are convicted in connection with the civil disobedience movement, he can easily understand what is the general treatment they get in jail. After all, though they are convicted by law, whatever may be the principles on which they have been convicted, whatever may be the spirit and ideas—I do not want to discuss them now on the floor of this House—the punishment which they receive in jail is beyond the conception of human knowledge; and sometimes if the Honourable Member will only look at the treatment of these unfortunate prisoners who are suffering from agonies under the imprisonment, I think, he will himself maintain that imprisonment of these gentlemen, for a year is a very long term. I think in this particular case at least the period of imprisonment should be reduced from one year to three months. Sir, I support the motion.

**The Honourable Mr. H. G. Haig:** Sir, we discussed a similar amendment on clause 2 at some length yesterday, and I do not think it is necessary to go once more into the general considerations that arise as to the nature of imprisonment and whether imprisonment is a reasonable punishment or not. The only question that arises here is, whether one year is an excessive period to impose as a maximum for this offence. It appears to me, Sir, that one year is a perfectly reasonable period. After all, though my Honourable friend, Mr. Lahiri Chaudhury, has painted a picture, intended to rouse the sympathy of the House, of some patriot being sent to jail under this clause, I would ask him why it is necessary for anybody to launch an unprovoked attack of this sort on the organization and machinery of Government.

There is one other point which, I think, is worth making. The Select Committee, before it was shorn of any of its Members, considered this clause and did not propose any reduction in the period of imprisonment.

**Mr. B. V. Jadhav:** By the casting vote of the Chairman.

**The Honourable Mr. H. G. Haig:** Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question which I have to put is:

“That in clause 3 of the Bill, for the words ‘one year’ the words ‘three months’ be substituted.”

The motion was negatived.

**Mr. B. V. Jadhav:** Sir, I move:

“That in clause 3 of the Bill, for the words ‘one year’ the words ‘six months’ be substituted.”

I am conscious, Sir, that I am leading a forlorn hope against the adamant heart of the Treasury Benches, and I need not expect any mercy from that quarter. But, all the same, I have to do my duty, and I wish to urge before this House that as the crime has been newly created and as it will not be a crime three years hence according to the proposal of Government themselves, and as this has been made a technical crime, the punishment for it should not be so severe as one year’s rigorous imprisonment. I, therefore, move, Sir, that the punishment be reduced to only six months.

**The Honourable Mr. H. G. Haig:** Sir, my friend Mr. Jadhav's plea is that this is only a technical offence. I regard it, on the contrary, as a very practical and dangerous offence, and I have already given my reasons for thinking that one year is a suitable period. I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahmitoola): The question which I have now to put is:

"That in clause 3 of the Bill, for the words 'one year' the words 'six months' be substituted."

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

"That in clause 3 of the Bill, after the words 'or with fine' the words 'not exceeding two hundred rupees' be inserted."

I have made my submission about this when a similar clause was discussed before in connection with this Bill; still I should like to be enlightened as to why there should be so much difference between imprisonment and fine; when there is a maximum period fixed for imprisonment, why should there not be a maximum similarly fixed for imposing fines. I think the Home Member argued that certain classes of Magistrates under the Statute can inflict punishment both as regards imprisonment and fine up to a fixed degree, and that argument holds good both for imprisonment and fine. Here the accused will be in a predicament whether to prefer a First Class Magistrate where he can expect better judgment, because of the Magistrate's greater experience, or whether it will be preferable to him to go to a third class Magistrate whose powers are limited. Sir, I move.

**The Honourable Mr. H. G. Haig:** Sir, my friend, Mr. Mitra, suggests that there is some inconsistency between imposing a maximum period of imprisonment and leaving the limit of fine undefined. Well, Sir, if there is any inconsistency, it is one that runs all through the Indian Penal Code as I think my friend very well knows, and it would in fact be contrary to our general conceptions of the theory of punishment that the Courts should be authorised to impose in every case imprisonment without any limit. I do not suppose that my friend would suggest importing those principles into the Indian Penal Code,

On the general question, Sir, I argued the matter at length yesterday, and I have nothing to add.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question which I have now to put is:

"That in clause 3 of the Bill, after the words 'or with fine' the words 'not exceeding two hundred rupees' be inserted."

The motion was negatived.

**Mr. Balchand Navalrai:** Sir, I move:

"That to clause 3 of the Bill, the following Proviso be added:

'Provided that no Court shall take cognisance of an offence punishable under this section unless upon complaint made by order or under authority from Local Government or some officer empowered by the Government in this behalf.'"

I am conscious, Sir, that when I moved a similar amendment to clause 2, it was not accepted, but I must say that I am not disappointed on that

account, and so I put forward this amendment for consideration. I am also not hopeless of the Members of the Treasury Benches and I trust they will consider whether this amendment is not more appropriate and useful to clause 3 than to clause 2.

The object of this amendment is merely to see that the prosecution under this drastic clause should not be solely in the hands of the police, and such a difficult clause as this should be interpreted and worked by a higher authority than the police. We have also to consider that the object with which the prosecution is launched, namely, to aim at organised campaigns against tampering with a public servant, is fully realised and considered in each case. These are questions which, it should be admitted, are very difficult for a police officer to decide, and when it is a cognisable offence, it does not require him even to consult anybody before he can send up the accused directly to the Magistrate, thus putting him to all sorts of trouble. Therefore, as a safeguard, I am requesting that this proviso should be added. It has been pointed out today in the course of arguments that it will be very hard to interpret this clause, as it stands, in actual working. It took so much time to the Honourable the Law Member to explain what "attempt" is. He sought the help of the Penal Code and jurisprudence for the purpose of leading us to the meaning of the word "attempt". Therefore, as the meaning is not defined under the clause itself, and as there are some other undefined terms as "duty", and so on, in this Bill, it is very necessary that this proviso should be added. If a man were to ask a public servant not to impress certain carts or certain camels for the purpose for which they are needed, it will not be his legal duty. But the word used here is only "duty". Therefore, anything can come under this clause. These are things which have to be considered by a higher authority, and that is the aim and object of my amendment. The main reason why this proviso has not been attached by the Government seems to be that it might cause delay. But the number of cases in which the Congress has attempted to tamper with public servants is not much, nor has it been shown to be so. There may be one or two cases, but what delay would there be in asking the Local Government to give their consideration to this matter before instituting a prosecution? That safeguard should be given and the power should not be placed merely in the hands of police officers. I move my amendment.

**Mr. Amar Nath Dutt:** Although I did not see eye to eye with my Honourable friend on a similar amendment to clause 2, I must admit, after hearing the arguments of my Honourable friend, that I am fully convinced that this is a very good amendment and it ought to be accepted by every one of us in this House including the Members on the Treasury Benches. Our cry is a cry in the wilderness, and although we feel the contempt with which our arguments are being treated, still we have a duty to perform not only to our country and ourselves, but also to the Government. In this matter I have nothing but unqualified praise for my Honourable friend who, though defeated on a similar amendment before, has again come forward and put before us far more cogent arguments for the acceptance of this proviso, and I hope that the Government will see their way to accept it.

**The Honourable Mr. H. G. Dutt:** Sir, I am sorry that my Honourable friend, Mr. Amar Nath Dutt, should suggest that the arguments on that side of the House are being treated with contempt. We do, it is true,

[Mr. H. G. Haig.]

endeavour to avoid unnecessary repetition and I hope he will forgive me if I do not repeat the whole of the arguments that I gave yesterday afternoon on a similar amendment. But, to the best of our ability, we do listen very carefully to the arguments put forward from the other side and endeavour to meet them. There is little or nothing to add to what I stated yesterday afternoon. Cases coming under this clause are not likely, in my judgment, to raise very difficult questions such as would require a previous reference to the Local Government, and though my Honourable friend, Mr. Lalchand Navalrai, said that the cases would not be many and, therefore, it did not matter if there were delay, I must altogether differ from him on that point. It does not matter whether the cases are many or few, but it is most important that they should be checked at once. Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question which I have now to put is:

"That to clause 3 of the Bill, the following Proviso be added:

'Provided that no Court shall take cognisance of an offence punishable under this section unless upon complaint made by order or under authority from Local Government or some officer empowered by the Government in this behalf.'"

The motion was negatived.

**Mr. B. V. Jadhav:** Sir, I move:

"That in the *Explanation* to clause 3 of the Bill, the words 'a servant of a local authority or railway administration' be omitted."

I need not make any elaborate speech on this point. The expression "public servant", as defined in the Indian Penal Code, is understood by almost all, but the *Explanation* here extends the definition and includes other officers who were up to this time not considered as public servants. A servant of a local authority or a railway administration will be a public servant under this *Explanation*. But I think, that, as far as servants of local bodies are concerned, they are not exposed to the danger of being induced to fail in their duty. The civil disobedience movement has not, as far as I know, touched the servants of local authorities. People have come to understand the difference between a servant of Government and a servant of a local authority, and the Congress people at all events know full well that by inducing servants of local authorities to give up their work or to fail in their duty, they will not harm the established Government of the country. Therefore, whatever their foolish attempts may be to disorganise Government work, I do not think they have taken any steps to disorganise the work of local bodies, because, by disorganising the work of local bodies, they themselves will have to suffer from the ill effects of such disorganisation. For that reason, if they make any such attempt, they will be acting contrary to the welfare of the people and, therefore, the Congress bodies know full well that their interference or their meddling will not be tolerated. So there is no danger from any attempt to induce a servant of a local authority to fail in his duty. Therefore, I say that the words "a servant of a local authority" should be omitted. I want to point out the danger that will be there if servants of local authorities are included in this *Explanation*. We know that there are many grievances of these municipal and local board servants, and

if they try to combine and make attempts for redress of their grievances, the higher officials may take advantage of this clause and get the leaders of such a movement arrested, and, in that way, the right of combining or going on strike, which ought to be reserved for the servants of local bodies and the servants of railway administrations, ought to be protected and ought not to be taken away. If the servants of railway administrations are kept here in this *Explanation*, then their right of going on strike will be greatly prejudiced and they will not be able to go on strike, because their leaders will be immediately hauled up before a Criminal Court for infringing the provisions of this clause. I, therefore, move that the words "a servant of a local authority or railway administration" be omitted.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): I have great pleasure in supporting this amendment, as one who has got some interest in local board administration. The Government, in their anxiety to make the definition of public servants cover as many departments as possible, have included local bodies also. Thanks to Lord Ripon, he has given to Indians a form of self-government in the local boards so that it might be a training ground for Indians to take part in the wider field of public activities and everywhere there is a general desire to take part more and more in self-governing institutions and various Acts have been passed in the Local Councils to enfranchise as many people as possible and it has opened the minds of the people to take larger and larger interest in local administration.

There is absolutely no necessity for the Government to bring in these local boards also under this definition. The cry on the other hand should be a halt. Then, the Railway administration is also maintained for the convenience of the public and, if anybody wants to deter a railway servant from performing his duty, he will be acting to the detriment of the public and to the great inconvenience of the public. So there is absolutely no necessity to include these two departments under the definition. I have great pleasure in supporting the amendment.

**Kunwar Raghubir Singh** (Agra Division: Non-Muhammadian Rural): I beg to oppose this amendment. The Honourable Mr. Jadhav wants that the servants of local authorities and railway administrations be omitted from this clause. Local authorities mean, I think, municipalities, district boards, town areas, and so on. Now, Sir, the civil disobedience people are as much prone to induce the men employed by these bodies to give up their places and job, as other Government servants. If these people are tampered with in this way, the work of these bodies will suffer. So, in the interest of the public, this clause should stand as it is and I, therefore, oppose this amendment.

**Mr. S. C. Mitra**: I support the amendment of my friend, Mr. Jadhav. It seems that Government under this clause contemplate some improvement on the Ordinances themselves. I shall read the definition of "public servant" as it appears in Ordinance X of 1932. Clause 69, sub-clause (b) says:

"a public servant includes a public servant as defined in section 21 of the Indian Penal Code, and a servant of a local authority and a person belonging to any class of persons which the Local Government may, by notification in the local official Gazette, declare to be public servants for the purposes of this Chapter."

So there is no mention of railway administrations and, so far as I know, no Local Government, by notification in any official Gazette, made these

[Mr. S. C. Mitra.]  
 railway servants public servants. It is not the Government's case that the position has become worse since the promulgation of these Ordinances. As regards local bodies, I can say that the Congress programme is really to capture them. The Government at least care to know the Resolutions of the Congress. That was my impression, but this shows that they are not acquainted with the Resolutions that are passed. I myself attended the Lahore Congress where, in the Subjects Committee, we fought against both the Resolutions about boycott of the Councils and the boycott of local bodies and we showed the inconsistency of the position of the Congress Sub-Committee authorising the Congress members to capture local bodies. It is known to Honourable Members that the Congress captured some of the big self-governing institutions like the Calcutta Corporation and other such local bodies in different places. If the intention of this Bill is to control the civil disobedience movement started by the Congress, then, I say there is no necessity for a provision like this, so far as officers of local bodies are concerned. With these words, I support the motion.

**The Honourable Mr. H. G. Haig:** Sir, I think this provision would be altogether incomplete if the words, which it is now proposed to omit, were not put into the clause. The Congress or any other subversive body is not bound down rigidly to a particular programme. If they are shut out from activities in one direction and a large loophole is left them in another direction, they will go in that other direction, and I think it would be an invitation to the Congress to concentrate their attention on local bodies if these words are left out of the Bill. After all, Local authorities have very important administrative functions to perform and any body of men, who are endeavouring to paralyse the administration, will not neglect that opportunity if it is offered to them.

Now, it has been said by one or two Honourable Members that because the activities of local bodies and of the railways are beneficial to the public, therefore, there could be no fear that the Congress or any other body would try to interfere with them. Now that seems to me to be a curious contention in view of the obvious facts with which we are all familiar. It surely is to the detriment of the public that trains on the railways should be stopped by pulling the communication cords, but the fact that that is detrimental to the public does not deter these Congress agents from performing this ridiculous trick. In the same way, the mere fact, that interference with local self-governing institutions would be detrimental to the public, would, in no way, deter the Congress from interfering, if they think it will help them in their main task of trying to paralyse the administration. Moreover, I find it difficult to follow the assumption that the only public activities which are of any use to the people in general are those carried out by local self-governing bodies. Surely, the normal activities of the Government themselves are of some use to the public. Surely, it is an advantage, one would suppose it was from questions that are addressed to me in this House, that there should be an efficient police force. Surely, it is an advantage that there should be a revenue staff, and that *patels* and people of that type should not be induced to abandon their functions. Sir, the Congress activities are not limited to interfering with functions that are not in the interests of the people.

There is one other point raised by my Honourable friend, Mr. Mitra. I was aware that he had a great affection and respect for the terms of:

the Ordinance and that anything that could be found in the Ordinance would be sufficient authority to him and would perhaps ensure his acceptance. Well, Sir, he suggested that these words, which it is proposed to omit, are not to be found in the Ordinance and that they should, therefore, be omitted from this Bill. Now I should like to give him the authority he asks for, and I hope that in that case he will join me in voting for the continuance of this provision. I would refer him to section 24 of the Ordinance which corresponds to the clause we now have under discussion, in which he will see the words :

“whoever induces or attempts to induce any public servant or any servant of a local authority or any railway servant.”

**Mr. S. C. Mitra:** Sir, I stand corrected.

**The Honourable Mr. H. G. Haig:** Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is :

“That in the *Explanation* to clause 3 of the Bill, the words ‘a servant of a local authority or railway administration’ be omitted.”

The motion was negatived.

**Mr. B. V. Jadhav:** Sir, I move :

“That in the *Explanation* to clause 3 of the Bill, the words ‘and an employee of a public utility service as defined in section 2 of the Trade Disputes Act, 1929’ be omitted.”

Sir, I need not say anything more than what I did on the previous amendment. The servants of public utility companies are not likely to be tampered with by any peaceful movement such as that of the Non-Co-Operation Movement. Of course, when there is a revolution, the first thing that is done to disorganise a Government is to cut the wires of telephones and telegraphs or to interfere with the water supply or the lighting, and so on. But from the Non-Co-Operation Movement such interference need not be feared, because that will paralyse the local administration and cause inconvenience to the people themselves. Congress workers come from the people and they do not like to inconvenience the people. Therefore, I claim that this provision is quite unnecessary and ought to be omitted. Sir, I move.

**The Honourable Sir Brojendra Mitter:** Sir, I would draw the attention of the House to the definition of “public utility service” in the Trade Disputes Act (VII of 1929):

“A ‘public utility service’ means :

- (i) any railway service which the Governor General in Council may, by notification in the Gazette of India, declare to be a public utility service for the purposes of this Act, or
- (ii) any postal, telegraph or telephone service, or
- (iii) any industry, business or undertaking which supplies light or water to the public, or
- (iv) any system of public conservancy or sanitation ;”

Sir, it would be obvious to Honourable Members that it is in the highest degree injurious to the public interest if employees of these public utility services were to be tampered with. It has been said by the Honourable



[Sir Brojendra Mitter.]

Mr. Jadhav, that the Congress were not likely to interfere with the employees of these services. Sir, we have heard of telephone lines being cut and of telegraph lines being tampered with.

**Mr. B. V. Jadhav:** That is punishable under other sections.

**The Honourable Sir Brojendra Mitter:** We have known of actual instances. As my Honourable colleague, the Home Member, pointed out a short while ago, if you omit public utility services and render them open to the attacks of the Congress, then their attention will be concentrated on these very services, which would involve very great injury to the public. Sir, I oppose.

The motion was negatived.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question I have now to put is that clause 3 do stand part of the Bill.

The motion was adopted.

Clause 3 was added to the Bill.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That clause 4 do stand part of the Bill."

Mr. Jadhav.

**Mr. B. V. Jadhav:** Sir, I do not move it\*.

**Mr. S. G. Jog:** Sir, my friend having decided to withdraw the amendment that stands in his name, I rise to move amendment No. 57, namely:

"That clause 4 of the Bill be omitted."

Sir, it is necessary to go into the history of this measure. I am told that this measure has been copied from the Irish Law of Crimes.

I must congratulate the occupants of the Treasury Benches that they have got to have recourse to the Irish constitution for introducing legislation in India. We all probably know that the word "boycott" had its origin in Ireland. It is named after Captain Boycott who was an Irishman and it is from him that this manifestation or this phase of activity has assumed the name and it has taken a firm root in India as well as in the minds of the occupants of the Treasury Benches. I would like to give the House the original definition of "boycott" as given in section 69 of Ordinance X of 1932. We do not find any such definition in the Bill that is now before us. It runs thus:

"For the purposes of this Chapter, a person is said to 'boycott' another person who refuses to deal or do business with, or to supply goods to, or to let a house or land to, or to render any customary service to such person or any person in whom such person is interested, or refuses to do so on the terms on which such things would be done in the ordinary course, or abstains from such professional or business relations as they would ordinarily maintain with such person;"

and, then, it goes on to say what a public servant is. I have no quarrel with the occupants of the Treasury Benches as regards the definition of the word "public servant", but when we see that the very principle of this measure is pernicious, it matters very little to me whether it is this

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\*"That clause 4 of the Bill be omitted."

class or that class of public servants. As these Ordinances were made only for six months, probably the language was not closely scrutinised and, as it was considered an emergency measure, probably much thought was not given to it nor did the people give any thought to it. Now, this clause has been inserted in the Bill that was presented to us in the original form and, in this connection, I would like to read to the House the clause as it has emerged from the Report of the Select Committee, because it has undergone a drastic change. I would like to draw the attention of the House to the Minute that has been presented to the House. On this clause it says:

"The many alterations made in the drafting of this clause are aimed at achieving increased clearness."

When the Bill was introduced, they never thought about the actual words and clearness:

"We considered the word 'prejudice' to be unduly wide in meaning."

The object of the framers was to make it very wide and elastic:

"We have qualified by material insertions the words relating to the letting of a house or land, which we consider to be undesirably loose."

Who asked you to make it loose? Have you not got the whole Secretariat and the Secretary of the Legislative Department at your command who can draft Bills with precision and accuracy, and not put loose things?

"We have simplified the language, retaining the expression 'to deal with' as a comprehensive general description of the activities particularised in the draft clause. We have introduced a more definite expression for the words 'person in whom such public servant is interested' and we have made it clear that the words 'on the terms on which such things would be done in the ordinary course' qualify all the preceding phrases. We have also changed the reference to 'professional or business relations' to a particular reference to the withholding of medical services, these being the professional services which it is most important to assure to public servants in the mufassil. We have reduced the term of imprisonment and have imposed a maximum limit to the fine which may be inflicted. We have further provided by the new sub-clause (2) a safeguard against abuse of this section by indiscriminate complaints in the Courts."

The object of my reading this is to show to what extent this clause has been subsequently altered in the Select Committee. We did not reach that point when our ship wrecked. However, in this clause we found that its language, its ideas and its general expression were so loose that several amendments were proposed and, as a result of our discussion, we were able to carry a number of them. But, in spite of all the improvements, the clause is so loose, and, in actual practice, it is so difficult to work, that I for one see no reason why we should have this clause even in its present form. I will read to the House how it runs in its present form. My object in reading it again and again is that the more you read it, the more puzzled you become. It runs thus:

"Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services or fail in his duty, refuses to deal with or to let on reasonable rent a house usually let for hire or land not being cultivated land to, or to render any customary service to such public servant or any member of his family, on the terms on which such things would be done in the ordinary course, or withholds from such person or his family such medical services as he would ordinarily render, shall be punished with imprisonment for a term which may extend to three months, or with fine which any extend to five hundred rupees, or with both."

Then an Explanation is added and also what they call a sort of a safeguard.

[Mr. S. G. Jog.]

Sir, if you scan the whole clause, you will find how difficult it is to work when the accused goes before the Magistrate. I will take the first point—"refuses to let on reasonable rent". If a public servant makes a complaint that such and such person has got a house and he did not give it to him on rental though he was prepared to pay the rent, naturally the question before the Magistrate will be what the rent of that house will be. It is impossible to come to any definite conclusion as to what the reasonable rent should be and, therefore, the House can see how difficult it will be in actual working.

**The Honourable Sir Brojendra Mitter:** Unless you raise your voice, we cannot follow you.

**Mr. S. G. Jog:** You want me to raise my voice. I thought I had already raised my voice sufficiently: however, I shall try to raise it still more.

Then, I come to another point—"land not being cultivated land". Then, this officer wants a piece of land, I do not know for what purpose. Then he enters into negotiations with the villagers and they do not come to any terms, because naturally he wants to strike the bargain as cheap as he possibly can. So, when he finds that he is not able to strike a bargain, he would naturally make a complaint to afford him facilities to acquire the

4 P.M. land that he wants. Then the matter again goes to Court and the whole thing is gone into again. The expression "render any customary service to such public servant or any member of his family" is very difficult to be understood. It is very difficult to say what sort of customary service the people have got to give to a Government servant. What are the residents of the village supposed to do for a public servant? What will be his demand? What does he want the residents to do for him? There will probably be so many services which the public servant expects to get from the residents of a village. When the case goes to a Magistrate, he may take evidence as to what is the customary service in that village or district or in the Presidency as a whole. Probably the poor Magistrate has to decide on a technical and complicated question before he comes to any conclusion or before he finds the particular person guilty of any offence.

The clause further reads:

"on the terms on which such thing would be done in the ordinary course."

Well, Sir, what are the things done in the ordinary course? Has there been any standard or meter or any fixity as regards the rent of a small house or land in those villages or towns? Is there any schedule or meter by which these things can be measured? Are you going to harass these poor villagers and haul them up before the Magistrate and put them to all these troubles and inconveniences?

The clause further goes on:

"or withholds from such person or his family . . . ."

Not only is the poor villager expected to do customary service for the public servant, but also to his family. What do you mean by the word "family"? Who are all to be included in the word "family"? Surely everybody would like to be included in that word "family" with a view to getting customary services from the villagers.

The clause further says:

"such medical services as he would ordinarily render."

Sir, I think if we have to decide all the points raised in this clause, we will have to establish a Supreme Court or a regular Tribunal of Judges of great eminence who will be able to decide all these technical and complicated, and delicate and nice questions.

At the end of the clause, the period of imprisonment is given with which I do not wish to bother the House. There is the all-pervading and all-engrossing clause before the House and we should consider whether such a provision could be given effect to and whether we should be a party to allowing such a clause to be placed on the Statute-book. The Government are very keen in having this weapon in their armoury in order to combat the civil disobedience movement. They say that by this measure they will be able to create a sort of statutory affection towards the public servant. May I ask, Sir, whether this affection or the desire to satisfy the ordinary needs of public servants can be created by a Statute? Like ordinary citizens, if these public servants live in the village and cultivate good relations and if they discharge their duty honestly, and if they render proper service to the village, do you mean to say that the residents of the village will have any tendency to boycott these public servants? In spite of the Congress programme, even in these days, I do not think there are cases where any such boycott could take place or I do not think there are cases where such ordinary facilities are denied to these public servants, if they discharge their duties honestly and in the good interests of the citizens of the village. I do not think the Government are wrong in giving this protection to public servants. If by such measure the Government are successful in having good relations between the public servants and the residents of a village for whom the public servants are meant, if they succeed, then it is not wrong. But the whole question is, whether this is the right sort of way of creating affection between the people and the public servants. I should like to take a very broad view of the expression put into this clause. We have been saying that one of the purposes of this emergency measure is to arm not only the present Government, but even the future Government which will soon come into existence. The idea of the Government is that the future Government also should be armed with weapons which will be necessary for them in order to carry on the proper administration of the country whenever such future Government comes into power. I sincerely thank the present Government for their good wishes. I have no grudge or bias as regards your desire. I hope and trust that the time will soon come when the transfer of power will come to this side of the House. Let me assure you, Sir, that what is required at the present juncture is goodwill, mutual goodwill and mutual confidence between the Government and the subjects, and, if success of the future constitution is to be based upon these two principles of mutual goodwill and confidence, do the occupants of the Treasury Benches want that we should open this new Chapter of Reforms placing such black Bills as the present one on the Statute-book? I think this is the most unfortunate time to introduce a measure like this. I trust that this clause will be deleted from this Bill. It is not necessary even in the interests of public servants. What you propose to do will never benefit the public servants. I think you will make the position of public servants worse by this legislation.

[Mr. S. G. Jog.]

As I have already explained, even from the point of view of propriety, this is not the time to introduce such a drastic, nay, all-comprehensive measure which, instead of creating good feelings between the public servants and the people, will have the effect of more and more creating bad feelings amongst them. Sir, in spite of the so-called safeguard put at the end of this clause, I still move that this clause 4 be deleted. This safeguard was not inserted in regard to other clauses. No doubt the Government have made a sort of safeguard in sub-clause (2) of this clause. But, in my opinion, there is great danger here also. If a complaint is lodged "by order or under authority from the Local Government", this will be a sort of certificate and I do not think any Magistrate in India will dare go against the Local Government's desire, and the Local Government's order or sanction or advice, whatever you may call it, will be tantamount to an order to the Magistrate to convict the man, and the question of the period of sentence alone is left to the Magistrate. The question of safeguards is a double-edged weapon. In some cases, it may prove beneficial, in some other cases, it may prove a great hardship. Although this clause has been considerably improved in the Select Committee, yet, in its present state, I think it is sufficiently poisonous to kill our body politic. Sir, I move that clause 4 be deleted.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

"That clause 4 of the Bill be omitted."

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadian Rural): Sir, I rise to support this amendment. I consider that the provisions of this Bill under this clause are an unwarranted interference with the ordinary rights of citizens and at times the clause would read a little ridiculous in its scope of what effect such provisions are likely to bring about. I also consider, Sir, that the terms, in which this clause has been drafted, are likely to prove to be an instrument of tyranny in the hands of petty officials and, on a perusal of this clause, we come to certain provisions which look, if not ridiculous, highly detrimental to the tranquillity and peace of the public. For instance, when we come to a provision like this, it would be a crime under this clause, if one refuses to deal with a public servant.

I remember, Sir, an illustration was given the other day that, under the shelter of a provision like this, it is open to any Government servant to compel a money-lender to lend money to him. It may be, as is very often the case, that the public servant may not be stationary in one place, and it is quite likely that a man, on looking at the security on the amount that he has to lend, may refuse on reasonable suspicion that he is not likely to realise the money lent to that officer. In that case he would come under this clause. Again, we have a provision under which it is obligatory on the part of a citizen to rent his house to a public servant and that on what is said to be a reasonable rent. Who is to judge what is a reasonable rent? I suppose the reasonableness or otherwise of that rent would be judged by the officer himself and there is no Court of appeal against his judgment. Then the provision is likely to create hardship among a certain class of persons, for example, the Jains. They will be bound, under this clause, to rent their houses to communities to whom they are usually not in the habit of giving houses on rent either on the

ground of caste or on the ground of religion or on any other grounds on which they would not be likely to rent their houses to any public servant, however great he may be. That is usually done in several localities where such class of people live. We have to remember, however deplorable it may be, that in certain cities particular localities are set apart for the use of particular communities and they would consider it an intrusion on the part of any person, not belonging to that particular community, to enter there. I am not discussing whether this exclusion is right or wrong, but we have to take into consideration what is, after all, a fact, and as such this provision is likely to create hardship. Again, Sir, we have a provision where we find that a medical man is bound to go to a public servant, because he wants medical service to be rendered to him. A provision, so loosely drafted, is absurd. They do not take into consideration the fact that the medical man may find his work so heavy on a particular day that he may not respond to the call of a public servant or that he may have duties more urgent than the public servant's call. For instance, he may have to attend a service which he is obliged to attend and for which he is paid a regular amount. He may have to attend a poor man who perhaps could not afford to call another medical man at a fee which the Government servant would be able to pay. This clause would compel the medical man to go and render service to the public servant in the first instance and then look to his other obligations, moral and otherwise, to society. Therefore, I consider that the provisions of this clause, taken as a whole, are a most unwarranted interference with the ordinary rights of a citizen and so I support the amendment.

**Sir Muhammad Yakub:** Sir, I rise to oppose this amendment. If the mischievous activities of the Congress are to be stopped and if Government servants are to be protected against the usual tyranny of Congress propaganda, then this clause is one of the most important clauses of the Bill. We know very well that a very common form of Congress propaganda, in order to harass a Government servant, is to boycott him. Now, Sir, consider the case of a Government servant who is transferred to a small town or a village. He goes there and finds that nobody would give him a house to live in. He finds that no washerman would wash his clothes, no barber would shave him and no merchant in the town would deal with him and give him his daily provisions. His life in these circumstances would become a hell for him and it would be impossible for him to discharge his duties. And this is not an imaginary state of affairs. Experience has shown that resort was taken to such methods not in one place, but in several places, and not in one province, but in several provinces. Therefore, if you want to protect Government servants against the ordinary tyranny of the Congress, this clause must form part of this Bill.

As regards the objections which have been raised to the wording of the clause, my friend, Mr. Raju, has said that even a money-lender may be prosecuted and hauled up for not dealing with the Government servant and lending money to him. I am surprised that a man like Mr. Raju, for whose common sense I have always had great admiration, should raise such an objection. If he only read the wording of the clause, he would find that:

"with intent to harass any public servant in the discharge of his duties."

This is a condition precedent to bring a man within the provisions of the clause.

[Sir Muhammad Yakub.]

Then and then alone he will come within the purview of this clause. Lending or refusal to lend money to a Government servant has no connection with the discharge of his public duties, and I submit that this objection is merely futile.

My friend, Mr. Raju, again said that the owner of a house might refuse to give his house on rent to a public servant on the ground of his belonging to a particular community. This is the real crux of the whole thing. My friend has not explained what he means by saying "on the ground of men belonging to a particular community". Suppose a Mussalman tahsildar is transferred to a small tahsil which is inhabited almost entirely by Hindus, which very often happens in small towns in the eastern districts of the United Provinces. The Mussalman tahsildar is transferred there and the houses, which are let out on rent, all belong to Hindus. So a landlord may say that his house is not usually let out to Muslims and that it would be an intrusion on his religious susceptibilities if a Mussalman were allowed to take his house on rent. Does my Honourable friend mean this contingency? I submit that this clause is meant to cover such cases, when communal hatred will be demonstrated in the garb of Congress propaganda. I submit that it is extremely necessary that a clause like this should be retained.

Now, as regards the improvements which this clause has undergone in the course of the Select Committee, I would only submit that improvements have been made to such an extent that the Honourable the Home Member has been forced to table two amendments to this clause. It shows to what extent this clause has been amended in the Select Committee. The Mover of the amendment, Mr. Jog, has raised objection to sub-clause (2) which provides a safeguard for the institution of complaints under this clause. It is very difficult really to understand the mentality of my friends on the other side. They try to blow hot and cold in the same breath: if a provision like this, which is really in the interests of the accused person, is not added to a certain clause, they say it ought to be added there; but when Government want to give the same protection, then they will say "No; it is injurious and should be withdrawn". This shows with what mentality they were discussing this Bill and what is the mentality of the Honourable Members who are opposing it. With these reasons, I oppose the amendment and support the motion.

**Mr. H. T. Sorley** (Bombay: Nominated Official): Sir, I rise to oppose this amendment. Boycott of public servants is a form of intimidation and molestation which has to be specially provided for. The civil disobedience movement has directed a very long and concentrated campaign against the Criminal Law of the country; and the course of that campaign has revealed many weaknesses in our Criminal Law, but only two serious defects. These two serious defects are the failure of the definition of the word "criminal intimidation" in section 503 of the Indian Penal Code; and the second great defect is the inadequacy of the law in dealing with unlawful associations. Now, the clause of the Bill, now before the House, deals with the first of these defects, namely, one of the manifestations of criminal intimidation. Criminal intimidation has been the chief motive force behind the civil disobedience movement. It

was because of its early success that the Congress organisers have managed to intimidate the general public and to bring force to bear upon Government servants; and this particular clause, No. 4, dealing with the boycott of public servants, is merely an extension towards the Government servants of methods which have been employed against the public at large. Now, the point I wish to make is, that the boycott of Government servants is dangerous and must be met, because it aims at an essential part of the scheme of administration. It is quite true that the people who are most affected by this manifestation are not the high officers: they are mostly able to look after themselves. The evil that lies in this movement is in the success which it is able to achieve in compelling those Government servants or public officers who are least able to resist it. I am going to make this point perfectly clear in a minute or two. As I said, the boycott of public servants is directed chiefly and most effectively against those who have no power or not sufficient power to resist. The persons who have been most affected by the movement are village patels, headmen, *talatis* or village accountants and clerks who happen to be stationed in small places and not in large towns and cities. The real driving force behind this movement is aimed at conditions in the villages and it is precisely there that it is most dangerous. There is no danger as far as the towns and cities are concerned; but it is most dangerous in the villages, because it is in those places that the movement has most power and the public servants, who are most affected and most hard hit, are usually persons, the solitary representatives of authority in the village. During the start of the civil disobedience campaign they were surrounded by a multitude of people who used every conceivable means they could think of, under the conditions laid down by Mr. Gandhi, to make it impossible for these Government servants to perform the duties which they are paid to perform, and to perform which they are appointed. These public servants live in places where they are cut off from the towns and conveniences.

It has been said, not in the arguments on the present amendment, but in the previous discussions on this Bill, that Government need not fear forced resignations, because there are always plenty of persons willing to take the place of those who have resigned. As far as resignations caused by boycott of public servants go, that is precisely untrue. There is no rush to take the place of persons who have been forced to resign, because such persons are socially boycotted, and in Guzerat, which was the portion of the Bombay Presidency most affected by this particular form of intimidation, it was very difficult, for at least three months, for the administration to be carried on. I shall give the House facts and figures in a moment or two to show exactly what happened in Guzerat during the first three months of the civil disobedience campaign, because what happened there is typical of the evil which a movement of this kind can produce and will produce in similar circumstances, provided they are favourable. The effect of a successful boycott of public servants must also be considered. It is exceedingly bad for the public morale. Hardly anything can be more discouraging to the authorities responsible for law and order than to see public servants so cut off from assistance as they are and were in Guzerat, where it was practically impossible immediately to remedy the situation, and hardly anything could create in the minds of ignorant villagers a greater disrespect for law and order. These are precisely the conditions which existed in Guzerat at the start of the civil disobedience movement, and it was the condition prevailing in Guzerat



[Mr. H. T. Sorley.]

during April and May and part of June, 1930, that gave the civil disobedience movement a great deal of its momentum.

I wish to answer another objection that has been advanced on the other side. It was put forward particularly in the debate on the second reading, by Sir Abdur Rahim, when he suggested that if this clause is passed into law, it will be putting Government servants into a position of privilege. Sir, it will be nothing of the sort. The intention of this clause is merely to maintain the *status quo* of Government servants in villages before the civil disobedience movement started. It aims at nothing more than protecting the position in which they were before the movement started; and it will do nothing more. Sir Abdur Rahim used an argument which I was quite unable to follow, namely, he referred to the difficulty private individuals had in finding house accommodation in Calcutta; and he seemed to suggest that if this Bill were passed into law, it will make it easier for Government servants to get houses there to the prejudice of ordinary citizens; in fact, only Government servants would obtain houses easily, while private individuals would not be able. Sir, nothing could be further from the truth. The particular provision relating to houses in this clause is devised to meet the conditions which were prevailing in the Bombay Presidency and elsewhere, particularly in Guzerat, when this movement was at its height. What happened was that Government servants in small villages were sometimes served with notices by their landlords that they must clear out, and it is not easy, in the housing conditions prevailing in small villages, as Honourable Members are aware, to provide alternative accommodation for them. The problem we were really faced with was what, under those circumstances, we should do. I do not think it will be the intention of Honourable Members that in these circumstances the public servants, responsible in various ways for the maintenance of law and order, should continue to be exposed to such hardship or utmost of hardship or that Honourable Members will refuse to take appropriate remedy when the facts are placed before them. I cannot believe that that is the intention of Honourable Members.

The forms of boycott which were prevalent in the Bombay Presidency during the heyday of the civil disobedience movement, which was before the Ordinances were put into operation about July, 1930, were firstly forcing village officers to resign by threats of boycott. This happened in Guzerat, and it was particularly prevalent along the whole line of Mr. Gandhi's march. Another form was not to let houses to village and taluka officers and clerks or to serve them with notices to quit the houses. In some cases mamlatdars were served with such notices and in Shiroda in Ratnagiri district, where salt raids took place, clerks were threatened that they would have to quit their houses.

Another form of boycott was not allowing public servants to draw water from wells and refusing them bazar supplies. In some places this was a great evil. It affected the lowest paid Government servants,—people who had no spare money to buy supplies from towns at a distance and to lay by large stocks in advance so that they need not mind whether they got the supplies locally or not. In some places it was necessary for officers to raise funds in order to procure supplies for them from a distance in order that the ordinary sepoys and low-paid clerks shall be provided with the necessities of life.

Another form of boycott that was adopted was accompanied by threats to these people that false cases would be filed against them.

I wish now to give the House some information as regards the actual facts prevailing in Guzerat after the start of the civil disobedience movement. I have here in my hand a statement showing the number of resignations of village officers between the 6th of April and the 25th of April, 1930, in Guzerat, that is three weeks, at the very start of the civil disobedience movement. The four principal districts, chiefly affected by Mr. Gandhi's propaganda, were Ahmedabad, Kaira, Broach and the Surat districts. In these three weeks in Ahmedabad, 30 patels resigned out of 848, in Kaira, 110 patels resigned out of 617, in Broach, 91 out of 551, and in Surat, 242 out of 760. Then, as regards *talatis*, or village accountants, who are responsible for the collection of land revenue, though they have to perform many other executive duties in addition, in Ahmedabad, 141 *talatis* resigned out of 1,482, 669 out of 1286 in Kaira, in Broach, 173 out of 1,880, and in Surat, 22 out of 1,824, and in almost all these cases the resignations were forced by threats of boycott. It is quite true that in some cases the resignations were voluntary, but the fact that most of them were involuntary was clearly proved when many of these servants asked, soon after, to be retained in service, and many of them were taken back.

It is not necessary for me to go in detail into the construction of clause 4. I merely wish to point out its main features, namely, the nature of the intention which constitutes a constituent circumstance in the offence which is threefold; firstly, to harass a public servant in the discharge of his duties. That happened in Guzerat when village officers were not allowed to use wells, and their wives and children were threatened that they would not be allowed to get their bazar supplies; secondly, to force them to resign their posts. That happened, as I pointed out, in Guzerat right at the beginning of the civil disobedience movement by forcing the resignations of hundreds of village officers, and, thirdly, to cause a public servant to fail in his duty. That happened also in many cases, and the methods adopted to intimidate these persons was by refusing to let them be provided with supplies during the progress of this movement, or to let houses on reasonable terms, and so on. The clause then enumerates four kinds of action which it proceeds to penalise. These actions are first refusing to deal with a public servant, second refusing to let a house, etc., to him in the circumstances stated, third, refusing to render him customary service in the ordinary way of business and, fourth, withholding medical services ordinarily rendered. As regards the first, such actions were continually committed as I have shown. As regards the second, I have given examples of what occurred in Guzerat; as regards the third, the provision in the clause meets an obvious situation and the same is true as regards the provision about withholding medical services. I think it will be perfectly clear to the House that in these circumstances this clause is fully justified and that the House will not be doing its duty if it fails to put it on the Statute-book. (Applause from Official Benches.)

**Raja Bahadur G. Krishnamachariar:** Sir, I support this amendment, support it wholeheartedly, and not half-heartedly. I have gone through this clause very carefully. I must congratulate the previous speaker on the wealth of detail that he has placed before this House. There is, however, one point, and it is, I believe, an important point, which he, as an official, as the head of a District, ought to have realised by this time

[Raja Bahadur G. Krishnamachariar.]

and it is this. If you want to command the respect of a people, resort to Criminal Law is the last thing that you ought to take. I agree that no Government can be carried on successfully if the people have no regard for the official who has been put over them, to rule over them though the executive officers do allege that they are the servants of the people. In all official documents, towards the end, before they are signed by the official concerned, it is written "I have the honour to be, Sir, Your most obedient servant". It is not quite correct. It should be substituted by "Your most tyrannical master, your most pressing master", or leaving the adjectives alone "your master", and that would have been the more correct thing. However, taking them at their word, believing that they are our servants,—that is only in theory, but theory and practice do not always agree and particularly in the actual administration they very often do not agree,—anyway, if you want the respect of the people, do not have resort to the Criminal Law, do not wield the big stick before them. Indians are a set of grateful people. You simply have to show your sympathy to them, and though you may have an iron hand, you should put a velvet glove on it, and you will see that 99 per cent. of the Indian people will be so grateful that they will think that you are doing a very great thing for them . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair claims that it has always been sympathetic . . . .

**Raja Bahadur G. Krishnamachariar**: Sir, I was talking of the Government of India.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member was addressing the Chair in the second person.

**Raja Bahadur G. Krishnamachariar**: I beg your pardon. Unfortunately this is not the first time that I have been called to order and I have bowed to it. I beg to apologise for it and I assure you that when I say "you" I mean the Government of India through the Chair. What I submit, is, if you want to command the respect of the people, do not resort to the Criminal Law. If you have not learnt it already, learn it at least now. The clause says:

"Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services, or fail in his duty, refuses to deal with him. . ."

Now, Sir, harassing a public servant is rather a difficult thing to prove except that you can presume it. You prove a certain act and you say that the result is that there has been harassment. That, I say, is not the correct way of drafting your law.

—"With intent to harass a public servant in the discharge of his duties"—

I will tell the House one or two facts in connection with harassing a public servant in the discharge of his duties. My Honourable friend, Sir Muhammad Yakub, was very rough to my friend, Mr. Raju, because he had come forward with an imaginary example. I suppose in the olden days he has read a book called the Indian Penal Code with Mayne's Commentaries. There is a section in the Penal Code which deals with obstruction to a public servant in the discharge of his duties. If you turn to Mayne's commentaries, he says that it would be scarcely credible, if it were not true, that you find a Government official prosecuting a respectable man for obstructing him in the discharge of his duty, because he would not lend his carriage for his own purpose. That is what

Mr. Mayne says. So that from declining to lend your carriage to declining to lend your money is not a very big step, and what Mr. Raju said is a matter which, though not capable of proof, is absolutely a matter within reasonable probability. There are Government servants who forget themselves so long as they are sitting in their chairs and drawing their pay. Whatever they want must be given, and if they are not given, then what happens? They are obstructed in the discharge of their public duties, and there is a section in the Penal Code, and this drastic clause places before them a power to prosecute the man.

That, Sir, is one particular instance. Another instance is this. A Government official goes at an unearthly hour to a certain village and he wants all sorts of conveniences. There are two or three houses there, old dilapidated buildings. The men are very unwilling to get up and welcome this, may I call, unwelcome guest at that unearthly hour. And early in the morning you will find the vials of his wrath poured upon the devoted heads of those two or three villagers, and immediately a prosecution might follow under this clause. If they have not committed any offence, at least there will be a charge that they have stacked their village sweepings in a certain place where it ought not to be and there will be at least a municipal or local board prosecution. My Honourable friend, the Home Member, whose speech I unfortunately missed in connection with the last amendment, is so nice in his speech that when you listen to him, you are almost inclined to abandon your point and agree with him. (Laughter.) Unfortunately, even he has not been able to read the fallacies of his own position. It is perfectly true that in the Madras Presidency we are comparatively in a peaceful position, but we know the official mentality. Human nature is human nature. What I protested against was not that this thing would happen in a certain remote village in the Madras Presidency, but if these conditions exist, wherever the official may be, human nature being what it is, he will do exactly the same thing, and I, therefore, beg of him not to give these large powers to these officials. We were told that it is the smaller official that would be put to difficulties. Perfectly true, because it is the smaller official who harasses the people a great deal. The bigger official does not harass; in fact, that is an argument in my favour. The higher you go in the official ladder, the greater is the courtesy they show to the people. The greater the courtesy, the greater is the gratitude they are able to extract from them and, therefore, there is no trouble. The lower the official, the greater is the impertinence which he brings to bear upon his dealings with the people, and the Indian people, although they are docile, although they are mild, yet, when they turn, they know exactly how to turn, and then the Indian official begins to whine and say they are boycotting him. Why don't they do it with the bigger official? Because these bigger officials do not exercise their power in the way in which the lower officials do. So far as Guzerat is concerned, I am perfectly willing to concede every point that my Honourable friend on the other side has made today. But Guzerat is not the whole of India.

**An Honourable Member:** What about the Andhra districts in the Madras Presidency?

**Raja Bahadur G. Krishnamachariar:** I do not know exactly about it until my Honourable friend, Mr. Sri Hari Rao Nayudu, gives us details in the Andhra country. Wherever you go, give the smaller official a little chance, and he always stings; there is an old Tamil proverb which says, give the scorpion a chance and he will sting every third hour.

**An Honourable Member:** What about cobra?

**Raja Bahadur G. Krishnamachariar:** A cobra does with you once for all. (Laughter.) The clause says:

"...or to cause him to terminate his services, or fail in his duty."

I have already objected to the word "fail". I am afraid they won't change the word. Some day when it comes before a Court, they will find that the Judges say that they do not understand what it is, and then they will come up here hurriedly and try to amend it. I hope they will at least then learn a lesson if they do not listen to me now, because I do not understand English as well as they do, and, therefore, what I say may be brushed aside. The most important part of the clause is:

"...or to let on reasonable rent a house usually let for hire, or land not being cultivated land to . . ."

I shall reserve "customary services" for another occasion. I will tell you a little bit of incident that happened. There was a big official who was camping in my village. There were only half a dozen houses, and one of the best houses . . . (An Honourable Member: "Is it in Hyderabad?") I know Hyderabad a little bit, and we do not call Hyderabad a village.

**Mr. D. K. Lahiri Chaudhury:** The speech is interesting. Will you please speak up a bit?

**Raja Bahadur G. Krishnamachariar:** Thank you. There were only three or four houses and the best house had been selected for the official. Unfortunately for me I had a house which was a little better than the house which had been selected for the official. This official insisted that he should enter my house when I was living there, mind you. (Laughter.) I declined his request with thanks. What happened? I shall probably be doing him an injustice because he is not here to defend himself, but it is a matter that would not bear repetition in a respectable Assembly like this. That, Sir, is the official mentality. My Honourable friend, Sir Muhammad Yakub,—I do not know what sort of place he comes from—(Laughter.)—I want every one of these gentlemen who support this proposal to go and live in the mufassil, to go and disregard the official, that is to say, not insult him, but leave the official alone to do his duty and do not consider that there is an official in your midst. Go on like that for three days, and if, on the fourth day, his wrath does not come down upon you, take it from me, you may catch hold of my ear and wring it off. (Laughter.) My friend, Sir Muhammad Yakub, may not agree with me, but what I do say is perfectly right.

**Sir Muhammad Yakub:** My house is not usually let on hire. Probably your house was let on hire.

**Raja Bahadur G. Krishnamachariar:** As regards that, if you had lived in a cantonment, you would have understood the meaning of the expression. (Laughter.) I have had to do with cantonments for 20 years. I was a lawyer practising in Secunderabad. I know exactly how the words "usually let on hire" are interpreted when the house is wanted for Government purposes. We shall not discuss it here. If anybody challenges what I am saying, I shall within a week produce certified copies of the records to fully justify what I say. I never speak without chapter and verse. So the difficulty is this. I do not want to let my house on hire, but this gentleman comes along and says that communal

trouble will crop up as it has done in my town in Mannargudi in the Tanjore District. There is a tank. On all sides of it Brahmmins live. A Muhammadan police inspector insisted upon getting into a certain house which was vacant in the midst of those houses. In the whole of that town, he said, there was not a single house available and so he wanted to occupy that house. Fortunately better counsels prevailed and, after three days' discussion in which I also joined, we persuaded him to go to some other place, as there will be great deal of trouble if he got into that place. It is not improbable that these things would happen. I submit, for Heaven's sake, for the sake of that very peace which you seek, and for the sake of the very respect for law which you want to inculcate in the people, don't make laws which would be harassment to the people under the cover of saving the officials from being harassed. My friend here is very angry that I have been conferred the title of Raja Bahadur. I am quite prepared to resign it in his favour if he would accept it. (Laughter.)

Now, I come to the customary service. We have been fighting what we call the *begar* system even in a place like Hyderabad. As for corruption which Honourable Member always applied to Hyderabad, we did not have committees to inquire into the existence of the leases of corruption there, although in three provinces in British India such committees were set up to inquire how far corruption exists there. That is another story. This customary service is a dangerous thing. You come at dead of night, wake up the *dhobi* and give him three huge bundles to carry and ask him to come back the next morning after delivering it at destination. That is one of the customary services. It is pressed even today. You go and live in a village for three days and you will find it out. It is no good challenging me. I am quite prepared to admit that the official does require every help in his tour, because presumably he tours for the benefit of the people. Therefore, he must be helped, but what is this customary service. The official comes and asks for milk. I have half a seer of milk in my house for my sick child. He says: "No. I must have it". If I don't give, tomorrow there will be a prosecution under this clause. I shall not go into further details. These are all difficulties. I am talking from my experience of these things. I am not talking from my imagination. What I say is this. You are going to ensure respect from the villager by saying that you were going to prosecute him. I say, don't do that sort of thing.

I do not want to take up much of the time of the House except to say a word about clause 2. It sounds very big, this sanction of the Local Government. It is perfectly good on paper. You say "what more do you want. There is the Local Government which is a responsible body and when they say, this is a fit case for prosecution, what more safeguard do you require?" I do not agree with my friend, Mr. Jog, when he says that directly a Local Government gives sanction, the Magistrate will convict the accused person. I do not go so far as that. There are Magistrates even of the lowest grade who stand up against false cases and, even at the risk of their appointment, they make very severe strictures against the prosecution, where they deserve it. But the sanction business is quite different. In the Madras Presidency, there was a very important and sensational press prosecution. The case was committed by the Chief Presidency Magistrate to the Madras High Court. Objection was taken that there had not been proper sanction. They all tried to sit upon the counsel for the defence by saying "here is the seal of the

[Raja Bahadur G. Krishnamachariar.]

Government, the signature of the responsible Secretary. What more do you want?" This gentleman said: "No. It is not the action of the Government. It is the action of one of the members of the Government who generally deals with this portfolio by an arrangement made by the Governor". That statement was made by the counsel for the defence and the prosecution was not able to deny it. The Court adjourned and, the day after the adjournment, the counsel for the prosecution comes and says that that was so. The counsel for the defence said: "That is not all. The Member has simply signed the paper without reading what was written, because there were two contradictory statements. One man said, there ought to be a prosecution. Another man said, there ought to be no prosecution. Then, at the end of it all, there was the signature of the Member". The counsel for the defence asked which was good and which was bad. The whole thing ended in a muddle. The prosecution was withdrawn and another was started. Is this the safeguard which is going to save innocent people from being prosecuted. For instance, the other day in the Andhra Desa, of which my friend, Mr. Sri Hari, knows a good deal, there was a prosecution against a man, because he wore a Gandhi cap and appeared on the platform of a railway station. There

5 P.M. was a question asked as to the sanction, from the man who gave the sanction, and it was said that "the police wanted the sanction, and we gave the sanction". Sir, that is the mentality with which sanctions are given. There is absolutely no safeguard. I do not say that it always happens. There are, of course, conscientious people. But what I say is that there is a probability of these things happening. So I say: "Bear in mind the somewhat harsh nature of the clause together with the so-called safeguard", and I say "remove this clause".

Sir, before I sit down, I want to say one thing. In connection with the Bill, which I moved some time ago to amend the Sarda Act, the Honourable the Home Member told me, "Why not wait for a few months? Your expanded Assembly is going to come. You will get your own Government. Fight all these Acts before your own Government, and if they will not have them, let them repeal them". Now I want to bring the analogous argument against my friend, the Home Member, now. Whom does the threatened boycott affect? It will affect the official of the future Government. It does not affect the present-day British official, because the British Government are going, as they say, to hand over, the power to us. So, why not wait till then? Why are you in such a great hurry so that all these nice little repressive Bills should be passed? Who wanted these things? Did those who are charmed of democracy—and I am not charmed of the sort of democracy they want to give us if at all they do—ask for them? I do not think so. Therefore, I would very respectfully suggest, before I sit down, that the Honourable the Home Member should leave things alone. Let the new Government, which is promised to us, if they find that they cannot go on, frame such drastic laws and more drastic ones if they choose, as the Irish Free State had to do, and leave things alone. That is what I say to them.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th November, 1932.

# LEGISLATIVE ASSEMBLY.

Thursday, 24th November, 1932.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## SHORT NOTICE QUESTION AND ANSWER.

### STRIKE ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

**Mr. M. Maswood Ahmad:** Will Government be pleased to state the full facts about the strike on the Madras and Southern Mahratta Railway?

**The Honourable Sir Joseph Bhoré:** The facts are as follows:

Last year the bulk of the staff retrenchment on this Railway was effected by voluntary retirements on special terms which were regarded by the Court of Enquiry as liberal and the number discharged by June, 1931, in the Mechanical Workshops at Perambur, was 109 workmen. In July, 1931, as a result of representations made by the All-India Railway-men's Federation and, in consultation with the Agents of Railways, it was decided to suspend further discharges until the end of October, when it was intended to review the position again. This review was made by the Agent, Madras and Southern Mahratta Railway, who informed the Madras and Southern Mahratta Railway Union in November, 1931, that "after taking into consideration the following factors, namely, (1) normal wastage, (2) stoppage of recruitment, (3) the number of men nearing superannuation, (4) the working of short time which may be necessary in individual shops", there would be a surplus of 172 workmen in the Perambur shops whom it might be necessary to discharge, but that, to 25 of them, it was intended to offer vacancies in the Hubli Workshops. It was made clear that, in addition to this surplus, there were 110 workmen who had been withdrawn from the Workshops and placed on temporary work connected with a remodelling scheme and that this number of workmen would also be discharged on completion of the said scheme.

2. In January, 1932, with reference to an enquiry made of the Railway Administrations by the Railway Board as to the staff (a) then surplus, and (b) likely to become surplus in the near future, after allowing for wastage, stoppage of recruitment and assumed short time working in the workshops up to 1½ days a week, the Agent, after allowing for these factors, reported that there would be no surplus in Workshop staff on this basis, but that a surplus of 110 Workshop men would occur on completion of the remodelling scheme.

3. On the 6th June, 1932, the Government of India issued a communiqué announcing their conclusions on the recommendations of the Court of Enquiry appointed last year to investigate certain matters connected with staff retrenchment on Railways. This communiqué also permitted the resumption of discharges which had been suspended since July, 1931. The Agent then made a fresh estimate of surplus staff in.



August, 1932, which fixed the surplus at 474 men. This involved a surplus of more than 20 per cent. in some shops. On the 19th September, the Administration offered the workmen one or other of two courses, namely (1) either to discharge 66 men in order to bring down the surplus to a maximum of 20 per cent. in any one shop and retain the remaining surplus by working the necessary amount of short time, or (2) to discharge all surplus men. For 40 out of 66 to be discharged under the first alternative, appointments in the Traffic Department were also offered.

On the 7th October, on further consideration, the Administration offered to retain all the 66 men marked down for discharge and absorb them by increase of short time, keeping the limit of short time in any one shop at a figure not exceeding 20 per cent. of normal working time, and the workmen were asked whether they agreed to increased short time in preference to discharges. They replied that they were agreeable to the principle of short time provided it meant re-instatement of 93 out of 109 men discharged in the previous year (the remaining 16 had reached the age of superannuation) and absorption of really surplus staff. They also asked for a discussion of the alleged surplus by the Administration with the Union.

On the 13th October, the Agent informed the staff that he declined to accept the demand for the re-instatement of the 93 men discharged last year. He added that the strength required in each shop was for the Administration to decide on the basis of the actual work to be done and that, as the staff had agreed to the principle of short time rather than discharge, short time would be increased in certain shops and the staff were advised of the short time to be worked in each shop. Accordingly, increased short time was introduced from the 21st October, and under this arrangement no staff whatever would have been discharged. The same day, however, the Union resolved to call a strike from the morning of the 24th October.

4. The total surplus, if full normal working were restored, would be approximately 700 employees, including 110 men who would become surplus on the completion of the remodelling scheme.

5. In his statement, dated the 26th October, the President of the Madras and Southern Mahratta Railway Union, observed that:

"in fact the whole issue on which the present dispute has arisen is on the fact that by not taking the 93 men and not having only that much short time as is necessary to cover the really surplus staff (even within the limits accepted by the Railway on paper) the Administration has broken its own declared promise."

And, in a letter, dated the 11th November, 1932, from the President of the All-India Railwaymen's Federation to the Railway Board, the following are stated to be the issues involved:

"(i) that the present figures of alleged surplus on the basis of Agent's statements before the strike are excessive and self-contradictory;

(ii) that the men and the Administration having been agreeable to work short time up to 20 per cent. and also in view of the fact that most of the shops are not working to this limit and even accepting the basis of the latest short time announced and introduced on 21st October, 1932, by the Administration, the 93 out of 109 compulsorily discharged men under retrenchment last year could, and, therefore, should, be absorbed within the prescribed limits."

6. The attitude of the Agent, Madras and Southern Mahratta Railway, is this. Surplus staff must vary from time to time according to the

character and amount of work and plans for its execution and its determination must rest with the Railway Administration, that short time working has its drawbacks, both administrative and economic, but that, in order to minimise hardship, the Railway Administration was willing to have recourse to this method to avoid further discharges. The Agent made it clear that he was not prepared to increase short time with the object of re-instating the men discharged last year. The Government of India are satisfied that no promise was made or implied that the men discharged last year would be re-engaged, and that the offer of the Agent to work short time up to a maximum of 20 per cent. in each shop was solely with the desire to avoid any further discharges. The working of short time up to such a limit is not a normal feature of workshop practice and, except as a temporary expedient, has serious drawbacks.

7. The strike commenced on the morning of the 24th October, 1932, in the Perambur Workshops, and spread to the Arkonam Engineering Workshops on the 3rd November, 1932, and to the Hubli Mechanical Workshops on the 19th November, 1932. According to the latest advices received from the Agent, the approximate number on strike and at work is as under:

	On strike.	At work.
Perambur Mechanical Workshops ..	5,294	354
Electrical Workshops and services at Perambur.	450	35
Arkonam Engineering Workshops ..	748	96
Hubli Mechanical Workshops ..	911	1,884

**Mr. M. Maswood Ahmad:** Is it a fact that about 2,000 employees of the Hubli Railway Workshop downed the tools up to the 19th November as has been published by the Federation?

**The Honourable Sir Joseph Bhoré:** Well, Sir, I have given the figures received up to last night.

**Mr. M. Maswood Ahmad:** Have Government seen the controversy about the notice given by the strikers to the Agent who says that the notice in question does not comply with the requirements of section 15 of the Trade Union Act?

**The Honourable Sir Joseph Bhoré:** Does my Honourable friend refer to any notice given by the Agent?

**Mr. M. Maswood Ahmad:** Notice given by the strikers to the Agent.

**The Honourable Sir Joseph Bhoré:** I have not seen it.

**Dr. Ziauddin Ahmad:** What was the conclusion arrived at during the discussion between the Railway Board and All-India Railwaymen's Federation and the National Federation in June last on the question of railway workshop?

**The Honourable Sir Joseph Bhoré:** I do not quite follow what my Honourable friend is referring to.

**Dr. Ziauddin Ahmad:** A deputation of the Railwaymen's Federation and National Railway Federation waited upon the Railway Board in June, 1982, and they had some conversation about retrenchment in workshops. I should like to know what was the conclusion arrived at in this conversation about retrenchment in workshops?

**The Honourable Sir Joseph Bhoré:** If my Honourable friend would give me notice, I shall be able to give him a full answer; but I am afraid that I am not very well conversant with what really took place as I was then away.

**Dr. Ziauddin Ahmad:** This is rather an important point. If I remember aright, the Federation suggested that workmen should be given compulsory leave for one month in a year, that is, they should draw salary for eleven months in the year and, in that case, no retrenchment was necessary. May I ask, if this was the agreement arrived at, and why was it not given effect to?

**The Honourable Sir Joseph Bhoré:** Possibly my Honourable friend is right, but he will see from the answer I have given that the Railway Administration are making use of all means in order to prevent discharges.

**Dr. Ziauddin Ahmad:** Was this particular method also followed which was agreed to between the Federation and the Railway Board?

**The Honourable Sir Joseph Bhoré:** I will look into the matter.

**Mr. K. P. Thampan:** Is the strike confined only to the workshops?

**The Honourable Sir Joseph Bhoré:** Yes; I have enumerated them in my reply.

**Mr. K. P. Thampan:** Sir, may I know whether the Agent of the Madras and Southern Mahratta Railway is taking adequate steps to prevent the strike from extending to other branches, such as the traffic department, etc.?

**The Honourable Sir Joseph Bhoré:** I have no doubt that the Agent of the Madras and Southern Mahratta Railway is fully cognisant of his responsibilities in this matter and that he has taken care to see that these are fully discharged.

**Mr. M. Maswood Ahmad:** Will Government be pleased to see the terms of the notice given by the strikers to the Agent, because that is a very important point? The Agent says that the notice does not come under section 15 of the Trade Union Act, while the strikers say that it does come under that section. This is rather an important point. Will Government please look into the terms of the notice?

**The Honourable Sir Joseph Bhoré:** As a matter of fact, in my answer I have given the real issue as referred to both by the President of the Madras and Southern Mahratta Railway Union and by the President of the Federation. Their communiqués clearly state the issues in dispute.

**Mr. M. Maswood Ahmad:** I want the Railway Board to see the copy of that notice and examine whether it comes under the Trade Union Act or not. That is my point.

**The Honourable Sir Joseph Bore:** I do not know that that is really a vital point, but I will certainly look into it.

**Dr. Ziauddin Ahmad:** What I am just going to ask, arises out of the supplementary question that has been put and, if the Honourable Member so pleases, he can answer it. Will the Honourable Member please say whether he does not think that at present there is a great deal of extravagance in the duplication of Workshops? Each and every Railway Administration wants to have its own Workshop and even in Bombay, there are two Workshops side by side and they employ very expensive machinery, while, as a matter of fact, one Workshop would suffice. The same is the case practically all over India. Is it not desirable to consider the policy of reducing the number of Workshops as a measure of retrenchment, and getting the work of one quality carried out in one Workshop. The repairs of carriages may be done in the nearest Workshop and not sent to the Workshop of the Railway to which the carriage belongs?

**The Honourable Sir Joseph Bore:** I am sure my Honourable friend does not expect me to pronounce, in reply to a supplementary question, an opinion on a matter of policy and a subject of such great importance. I have no doubt that this question, which requires looking into, will undoubtedly receive attention.

**Mr. M. Maswood Ahmad:** Will the Honourable the Home Member please enlighten the House whether this strike will come under the provisions of clause 3 of the Ordinance Bill?

**The Honourable Mr. H. G. Haig:** Sir, I have not followed very closely the conditions of this strike. But I think the point might possibly be answered by my Honourable friend, the Law Member.

**The Honourable Sir Brojendra Mitter:** When this Bill is passed into law, it will be time enough to consider that point.

**Mr. M. Maswood Ahmad:** I was referring to the Ordinance Bill which is under discussion in the House.

**The Honourable Sir Brojendra Mitter:** But let us pass the Bill first.

**Mr. M. Maswood Ahmad:** Will this Bill, if passed, effect the trade union activities in India?

**The Honourable Sir Brojendra Mitter:** I cannot anticipate the form in which the Bill will be passed, and when it is passed, there will be time enough to consider that question.

**Sir Hari Singh Gour:** In order to enable Honourable Members on this side of the House to form their own judgment, I think it is up to the Honourable the Law Member to enlighten them as to what the practical effect of the enactment will be. As a matter of fact, in the general debate, I raised that point in connection with that clause.

**The Honourable Sir Brojendra Mitter:** That would be relevant when we discuss this Bill and not in a supplementary question.

**Sir Hari Singh Gour:** In a supplementary question, it is perfectly permissible, with due deference to the Honourable Member, to ask as to what will be the effect of a pending legislation on the activities of trade unions in this country.

**The Honourable Sir Brojendra Mitter:** Ordinarily, a special Act controls the general Law. If there be a special Act dealing with strikes, that Act will control the general law of the kind we are discussing.

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### STATEMENTS LAID ON THE TABLE.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I lay on the table a statement giving the information promised in reply to part (a) of starred question No. 452. asked by Sardar Sant Singh on the 19th September, 1932.

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### PERSONS HOLDING TEMPORARY APPOINTMENTS IN THE INDIAN STORES DEPARTMENT AND IN THE OFFICE OF THE CONTROLLER OF PRINTING AND STATIONERY.

\*452 (a).

Department or Office.	Number of men who qualified in 1926.	Number of men who qualified in 1929.	Period of service.
Office of the Controller of Printing and Stationery	..	1	4 years and 5 days.
2. Indian Stores Department	1	..	3 years and 1 month.

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**The Honourable Sir George Schuster** (Finance Member): Sir, I lay on the table:

- (i) the information promised in reply to supplementary question to starred question No. 983 asked by Sir Leslie Hudson on the 8th November, 1932; and
- (ii) the information promised in reply to unstarred questions Nos. 97—99 asked by Kunwar Hajee Ismail Ali Khan on the 27th September, 1932.

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### UTILISATION OF THE PETROL TAX ON THE DEVELOPMENT OF ROADS.

\*983. The proportion of the surcharge relating to the 2-anna share of the petrol duty payable to the Road Fund is also being credited to that Fund.

## DISCHARGE OF TEMPORARY EMPLOYEES OF THE CURRENCY OFFICE, LAHORE.

97. (a) No. Only a part of it was discharged.

(b) Hindus . . . . .	20
Muslims . . . . .	13

(c) Yes.

(i) General side . . . . .	4	Treasurer's side . . . . .	24
(ii) Hindu . . . . .	1	Hindus . . . . .	18
Muslims . . . . .	2	Muslims . . . . .	2

(d) Yes.

(i) Hindus . . . . .	13
Muslims . . . . .	2

(ii) The information is not available. Temporary men are engaged whenever required and sent away when not wanted.

## MUSLIM STAFF IN THE CURRENCY OFFICE, LAHORE.

98. (a) 123

(b) The number of posts held by Muslims and Hindus in each Category given below :

	Hindus.	Muslims.
Currency Officer . . . . .	1	
Assistant Currency Officer . . . . .	1	

*General Department.*

Superintendents . . . . .	2	..
Assistant Superintendent . . . . .	1	1
Selection grade clerks . . . . .	2	1
Clerks in time-scale . . . . .	12	9
Record clerk . . . . .	..	1
Daftry . . . . .	..	1
Jamadar and Chaprasi and Coolies, etc. . . . .	8	1
Total . . . . .	25	14

*Treasurer's Department.*

Treasurer . . . . .	1	..
Assistant Treasurers . . . . .	2	..
Selection grade clerks . . . . .	3	..
Clerks in time-scale . . . . .	23	15
Shroffs . . . . .	9	.
Daftries . . . . .	1	2
Mechanic . . . . .	..	1
Pressman . . . . .	..	1
Chaprasies and coolies, etc. . . . .	17	3
	56	22

(c) Yes.

(d) and (e). Government have already issued general instructions for the guidance of heads of departments. No special orders are considered necessary.

**SUPERSESSION OF MUSLIMS BY CERTAIN HINDUS IN THE CURRENCY OFFICE,  
LAHORE.**

99. (a) and (b). Yes.

(c) These three Hindu clerks and three Muslim clerks superseded Hindu and Muslim seniors.

(d) No. The supersession was on general grounds of capacity.

**Mr. H. A. F. Metcalfe** (Foreign Secretary): Sir, I lay on the table the information promised in reply to starred questions Nos. 1263—1265 asked by Seth Haji Abdoola Haroon on the 16th November, 1932.

**MEMBERS OF THE QUETTA MUNICIPALITY.**

\*1263. (a) Yes.

(b) and (c). The total number of members of the Quetta Municipal Committee is 38. Of these five are natives of Baluchistan, five are officials and the remainder though of different nationality, are all local men and residents of Quetta Municipality, many of whom have been residents since their birth.

**FEASIBILITY OF PROMOTING THE QUETTA MUNICIPALITY TO AN ELECTED BODY.**

\*1264. (a) Nominations to membership of the Quetta Municipality are made under Section 3 of the Quetta Municipal Laws of 1896, by the Honourable the Agent to the Governor General and Chief Commissioner in Baluchistan, to whom recommendations are submitted through the usual official channels.

(b) Government are prepared to consider the matter if and when a local demand for such action manifests itself. All sections of Quetta Municipal population are already adequately represented on the Committee.

**APPOINTMENT OF LOCAL PEOPLE IN THE STAFF OF THE QUETTA MUNICIPALITY.**

\*1265. Practically all employees of the Quetta Municipality are local in the sense that they ordinarily reside within municipal limits. Tribesmen of Baluchistan whether residents within or without Municipal limits are eligible for municipal employment if they possess the requisite qualifications.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table:

(i) the information promised in reply to starred question No. 1004, asked by Khan Bahadur Haji Wajihuddin on the 8th November, 1932; and

- (ii) the information promised in reply to part (b) of unstarred question No. 111 asked by Sirdar Sobhan Singh on the 27th September, 1932.

#### GRANT OF DISABILITY PENSION TO JAMADAR AHMAD BAKHSII.

\*1004. (i) The clinical notes mentioned are merely requests from the Officer Commanding the Indian Military Hospital, Manzai, asking the Brigade Laboratory at Bannu to make certain examinations. No examination could be made on receipt of the first note, and the Laboratory report on the note of the 30th May, 1926, was negative.

(ii) I have seen the proceedings of the Medical Board held on the 28th March, 1927. In the opinion of the Board the Jamadar was then suffering from a disability contracted on field service, but there is nothing in the proceedings to show that he was not in normal health while in Waziristan in 1926, and there is no record of his having been admitted to Manzai hospital in that year.

#### ALLEGED RUDE BEHAVIOUR OF THE PRESIDENT, CANTONMENT BOARD, LUCKNOW.

111. (b) At a meeting of the Lucknow Cantonment Board on the 7th June last, the President was constrained to declare that he would have to adjourn the meeting if a certain member persisted in making irrelevant remarks. In consequence of information that the member was not satisfied with his ruling, the President at the next meeting stated that no one regretted the incident more than he did, but hoped that members would endeavour to confine themselves to relevant remarks and criticism, in order to facilitate the speedy conduct of business. The member who was the cause of the incident thanked the President for this statement. At the meeting of the Board held on the 4th October, the Board passed two resolutions, one expressing resentment at the action of unknown persons in reporting the incident to the press and the other expressing the Board's appreciation of the President's work during his tenure of office.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to part (e) of starred question No. 940 asked by Mr. A. H. Ghuznavi on the 7th November, 1932;
- (ii) the information promised in reply to unstarred questions Nos. 130 and 131 asked by Sir Zulfiqar Ali Khan on the 27th September, 1932;
- (iii) the information promised in reply to starred question No. 783 asked by Mr. M. Maswood Ahmad on the 26th September, 1932; and
- (iv) the information promised in reply to starred question No. 93, asked by Rao Bahadur M. C. Rajah on the 7th September, 1932



## COLLIERIES OWNED BY THE STATE AND COMPANY RAILWAYS.

\*940(e).

Colliery.	Contractor.	Rate per ton.	Duration of contract.
		Rs. A. P.	
Kargali Quarry .	Madhavji Mepa .	1 3 0	31st March 1934.
Kargali Quarry .	Ramji Karman .	1 3 0	31st March 1934.
Kargali Quarry .	M. Simon .	1 3 0	31st March 1934.
Kargali Pits .	Rambilas Singh .	1 9 0	31st March 1934.
Kargali Incline .	M. Simon .	1 11 0	15th November 1934.
Bhurkunda Incline .	H. Vasantray .	1 14 0	31st March 1934.
Jarangdih Pits .	Karamchand Thapar .	2 0 0	12th April 1935.
Jarangdih Quarry/ Incline.	Rambilash Sing .	1 8 0	17th June 1934.
Talcher Pits .	N. H. Ojha .	2 0 0	12th April 1935.
Giridih Deep Pit .	Lachminarain Sing.	On sliding scale from Rs. 1-5-6 to Rs. 1-8-0 per ton dependent on output.	No stipulation in the agreements regarding the period of contract and the quantity of coal to be raised per month but there is a clause in each agreement whereby the con- tract can be ter- minated by giving one month's notice.
Giridih Joktiabad Pit	Madanlal Sarawgi .	On sliding scale from Rs. 1-1-0 to Rs. 1-3-6 per ton dependent on out- put.	
Sariabad and Bita- garh.	Khodabux Meah .	Rs. 1-8-0 including haulage and loading.	
No. 1 Jubilee Pit .	Harilal .	Rs. 1-4-9 per ton.	No stipulation in the agreements regarding the period of contract and the quantity to be raised per month but there is a clause in each agreement where- by the contract can be terminated by giving 6 months notice.
16A pit .	Madari Meah .	Rs. 1-8-0 including haulage and load- ing.	
Bokaro Quarry 1 .	Jatasankar Dossa .	Rs. 1-3-0 loaded into wagons.	
Bokaro Quarry 2 .	Kripasankar Warrah	Rs. 1-3-0 loaded into wagons.	
Bokaro Quarry 3 .	R. A. Sarge .	Rs. 1-3-0 loaded into wagons.	
Sawang Quarry .	Probhulal Pathak .	Rs. 1-3-0 loaded into wagons.	
Sawang Incline .	Probhulal Pathak .	Rs. 1-9-0 loaded into wagons.	
Argada .	Ladha Singh .	On sliding scale from Rs. 1-3-0 to Rs. 1-6-0 per ton dependent on out- put. Rates include charges for rais- ing, removing of overburden and stone bands as well as lead.	

**APPOINTMENTS BY COMMUNITIES OF CLERICAL AND DAILY-RATED STAFF IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY.**

130. (a) Statement "A" below contains the necessary information.

(b) The reply is in the negative.

**STATEMENT "A".**

*Statement showing (i) the number of appointments made from 1st January, 1931, upto August, 1932, in the Electrical Branch, North Western Railway, and (ii) the number obtained through Central Labour Exchange, North Western Railway, Mcghulpura.*

Community.	Clerical staff.		Daily-rated staff.					
			Skilled Labour.		Unskilled Labour.		Total.	
	Perma- nent.	Tempo- rary.	Perma- nent.	Tempo- rary.	Perma- nent.	Tempo- rary.	Perma- nent.	Tempo- rary.
1	2	3	4	5	6	7	8	9
	No.	No.	No.	No.	No.	No.	No.	No.
I.								
Hindus .	1	3	3	4	3	2	7	9
Muslims .	..	1	2	6	10	9	12	16
Sikhs .	..	..	1	1	5	1	6	2
Anglo- Indians.	..	..	..	3	..	..	..	3
Total .	1	4	6	14	18	12	25	30
II.								
Number ob- tained through Central Labour Exchange.	1	3	5	3	..	8	6	14

**APPOINTMENT OF MR. KUNDAN LAL KAPUR AS CHIEF CLERK IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY.**

131. Mr. Kundan Lal Kapur was transferred in 1928 from the Headquarters Office, North Western Railway, Lahore, where he was officiating in grade III (100—5—140) to the office of the Chief Electrical Engineer on promotion as Accounts Clerk in grade IV (160—10—200) and was in 1930 promoted as Head Accounts Clerk in grade VI (285—15—330) and became Chief Clerk in that office on the same rate and scale of pay.

Appointments to the posts of Accounts Clerks are made from among staff qualified in the accounts examination and Mr. Kundan Lal's promotion to grades IV and VI as Accounts Clerk and Head Accounts Clerk, respectively, did not involve supersession of any qualified Muslim Clerk.

### ALLEGED INJUSTICE TO RETRENCHED MUSLIMS IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

\*783. (a) and (b). The number of subordinates and inferior servants of the various communities from amongst those discharged and demoted under the economy campaign prior to 31st July, 1932, on the Delhi Division, who have been reappointed or promoted upto 1st September, 1932, is given below :

	Europeans.	Anglo-Indians.	Hindus.	Muslims.	Sikhs.	Indian Christians.	Total.
<b>Reappointed—</b>							
Subordinates	..	..	6	5	1	..	12
Inferior servants	..	1	180	113	7	..	301
							<b>313</b>
<b>Promoted—</b>							
Subordinates	..	..	9	14	3	..	26
Inferior servants	..	..	12	10	1	3	26
							<b>52</b>
Grand total							<b>365</b>

(c) The Agent, North Western Railway, has issued instructions to the Divisional Superintendents that the excess in the number of Muslims discharged should be adjusted when recruitment is resumed by recruiting a correspondingly larger number of Muslims.

(d) The reply is in the affirmative.

(e) Yes.

(f) The Junior Assistant Personnel Officer, Central Labour Exchange, endeavours in the first instance to meet demands from a divisional or other office by the transfer of employees in service in other divisions or offices who are surplus to requirements. These transfers are made without reference to communal consideration. If no surplus men are available, the demand is met by appointment of suitably qualified men who were discharged on reduction of establishment. The selections for such appointment are made on the basis of seniority with due regard to standing orders on the subject of the representation of the various communities.

(g) Yes.

### CO-ORDINATION OF RAILWAY *VERSUS* BUS TRANSPORT SYSTEM.

\*93. The East Indian Railway had an arrangement with the Calcutta Tramways Company whereby Rail-cum-bus monthly tickets were issued. This arrangement was in force from 1st June, 1929, to 30th June, 1931, when the Tramways Company buses were withdrawn. The scheme was of no special advantage to the railway.

The Assam Bengal Railway has an arrangement with the Commercial Carrying Company of Shillong which operates motor buses between Gauhati and Shillong. Statements showing the financial results for the last 3 years of the traffic interchanged between the railway and the road transport agency are appended.

## ASSAM BENGAL RAILWAY COY., LTD.

(Incorporated in Great Britain.)

'A'.

## (1) Statement of passenger traffic (interchanged at Gauhati) booked between Shillong and A. B. Railway Stations.

Commercial Carrying Co.'s share of earnings.										Assam-Bengal Railway share of earnings.									
1st Class.		2nd Class.		Int. Class.		3rd Class.		Total.		1st Class.		2nd Class.		Int. Class.		3rd Class.		Total.	
No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.
1929-30	*125	2,750	*206	2,543	*127	1,146	746	7,981	*126	4,450	*208	3,988	*129	900	*283	2,035	746	11,373	
1930-31	*133	4,037	*164	2,056	142	1,278	338	1,851	828	9,222	*164	5,817	*183	3,508	142	1,005	338	2,141	828
1931-32	*138	3,036	*125	1,569	*139	1,251	730	7,577	*125	4,704	*142	2,854	141	1,128	*322	2,098	730	10,784	

(2) Statement of passenger traffic (via Pandu and Gauhati) booked between Shillong and E. B. Railway and beyond (across A. B. Railway).

1929-30	1	22	10	125	*14	131	*71	367	98	645	1	1	10	4	*22	3	*63	8	96	16
1930-31	4	88	2	25	18	162	45	234	69	509	4	3	2	1	18	3	45	6	69	13
1931-32	..	..	7	88	..	..	28	146	35	234	..	..	7	2	..	..	28	4	35	6

(3) Statement of passenger traffic (via Gauhati and Tinsukia, Gauhati and Titabar or Mariani) booked between Shillong and D. S. Railway or J. P. Railway (across A. B. Railway).

1929-30	27	594	5	63	14	126	68	370	114	1,153	27	1,195	5	124	14	116	68	447	114	1,882
1930-31	12	264	3	38	4	36	72	374	91	712	12	486	3	67	4	33	72	464	91	1,050
1931-32	20	440	9	113	*5	45	*71	379	105	977	20	874	9	196	*8	58	*68	451	105	1,679

## ASSAM BENGAL RAILWAY COY., LTD.

(Incorporated in Great Britain.)

'B'.

## Statement of Luggage and Parcels Traffic.

Year.	PARCELS.					
	Interchanged traffic between A. B. Rly. & C. C. Co. (viz Gauhati).		Traffic booked between Shillong & E. B. Rly. and beyond across A. B. Rly. (viz Pandu & Gauhati).		Traffic booked between Shillong & D. S. or J. P. Rly. across A. B. Rly.	
	A. B. Ry. share.	C. C. Co. share.	A. B. Ry. share.	C. C. Co. share.	A. B. Ry. share.	C. C. Co. share.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1929-30	2,482	2,853	Nil	Nil	1,174	912
1930-31	2,615	2,858	Nil	Nil	942	804
1931-32	2,436	2,922	Nil	Nil	779	853
LUGGAGE.						
1929-30	108	93	..	..	..	..
1930-31	108	118	..	..	..	148*
1931-32	672	718	..	..	..	..

\* Military traffic charged for at public rate on Motor service.

ASSAM BENGAL RAILWAY COY., LTD.

(Incorporated in Great Britain.)

C'.

Statement of Goods Traffic.

STATEMENTS LAID ON THE TABLE.

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Year.	Interchanged traffic between A. B. Ry. & C. C. Co. (via Gauhati).			Traffic booked between E. B. Ry. and beyond across A. B. Ry. (via Pandu & Gauhati).			Traffic booked between Shillong & D. S. or J. P. Ry. across A. B. Ry.		
	Maunds.	A. B. Ry. share.	C. C. Co. share.	Maunds.	A. B. Ry. share.	C. C. Co. share.	Maunds.	A. B. Ry. share.	C. C. Co. share.
1929-30 . . .	843	Rs. 1,145	Rs. 1,068	3,331	Rs. 1,824	Rs. 10,549	458	Rs. 398	Rs. 608
1930-31 . . .	8,548	5,653	9,739	48,872	4,704	56,110	327	372	380
1931-32 . . .	11,753	5,802	9,057	51,966	4,444	48,317	709	753	790

## THE CRIMINAL LAW AMENDMENT BILL—*contd.*

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Further consideration of the amendment moved by Mr. Jog that clause 4 of the Bill be omitted.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I support the amendment moved by my Honourable friend, Mr. Jog, that this clause 4 be deleted. We raised this point in the Select Committee and we wanted this clause to be omitted. We were told that this clause 4 and clause 7 were so vitally important to the Bill, that if they were deleted, the Government might as well give up the whole Bill. Our objection was that this provision introduces a novel proposition, a novel principle in legislative enactments. We have heard of preference in tariffs, on goods, we have heard of preference in excise duty, etc., but we have not heard of preference being given to any individual, as regards his social, political or domestic spheres or even his duty as a servant of Government. (Applause.) This clause gives preferential treatment, it ensures preferential treatment to a Government servant not only in his activities as a servant of the Crown, but also in other spheres of life, as a man. Sir, that was the principal ground upon which we objected to this provision while we were discussing it in the Select Committee. We also considered that except in Guzerat boycotting of public servants was not heard of and, therefore, an all-India Legislation was not necessary. There are also various other grounds upon which this clause could be condemned. Sir, I will take a little time in going through the clause and discuss it elaborately. The clause runs thus:

"Whoever, with intent to harass any public servant in the discharge of his duties, . . ."

What are the duties in respect of which he is to be harassed, his duties as a public servant or his duties as a man? The clause does not say anything definite about this point. This clause mentions only about a public servant being harassed, in the discharge of his duties, but, unlike the Penal Code, and even the Ordinance, it does not state in relation to what the duties are. The Penal Code also speaks of a public servant being obstructed in his public functions, but here we have got nothing of that nature. I do not know whether this was done designedly or it is merely an omission on the part of the Government. If it is an omission on the part of the Government, the fault lies not with Government alone, but with all the members of the Select Committee who were discussing this provision. But it seems to me that it was designedly done. The public servant must be protected as a public servant and also so far as his duties as a man are concerned. We know that some statutory duties have now been cast upon men in this country. Under clause 8, the duty has been cast upon the father or guardian of a boy to conduct himself in such a way that his son or ward may not commit any crime, in which case he may be fined. Secondly, under the Ordinance, it is laid down that no man should own any land in this accursed country. Under section 27 of the Ordinance, if the inhabitants of any part of the country are concerned in the commission of any offence or any other act of crime, Government may inflict a collective fine. Now, who are the inhabitants described in that section:

"For the purposes of this section, 'inhabitants of an area' includes persons who themselves or by their agents or servants occupy . . . etc."

Therefore, occupation of a land by a servant on my behalf would include me as a person against whom the fine is to be realised. The inhabitants also include:

"Landlords who themselves or by their agents collect rents, notwithstanding that they do not actually reside therein."

and, therefore, liable to fines.

We do not know where a collective fine is going to be imposed and, therefore, it is high time for us to sell or disown all lands rather than be mulcted in this way. These are the kind of statutory duties which have been cast upon the inhabitants of this country.

Then the clause says:

"or to cause him to terminate his services or fail in his duty".

Again, what duty? In clause 3, the same words occur, "fail in his duty", but there it is qualified by the words "as such servant". Here those words do not occur. Therefore, failing in his duty may mean failing in his duties as an individual. Then, where will the public be? It is probably the duty of a man to provide for his children's education. But if a private tutor be not available in the village where the public servant happens to be, any person eligible to be a private tutor will be liable under this clause. Then it goes on:

"refuses to deal with"

What is the meaning of the word "deal"? I was looking into the Oxford Dictionary yesterday and found that "deal" means "associate with or do business with".

The Honourable the Law Member has now given notice of an amendment to this clause. He wants that after the words "deal with" certain words should occur, namely, "in the way of providing food". Therefore, it will be the duty of the public in a village where there is a public servant to provide him with food; but he says and the Select Committee Report says that all these words are qualified by the words "on the terms on which such things would be done in the ordinary course". Sir, I have very great doubt whether these words can qualify this portion of the clause, because, after this, it says "or to let on reasonable rent", etc. Here we have provided a term upon which land is to be let out, namely, a reasonable rent. Having provided that, it is open to doubt whether this portion, *viz.*, "on the terms on which such things would be done in the ordinary course" will be considered to have any reference to the first part of the clause. Then it goes on to say:

"render any customary service," etc.

We know that to establish a custom, it must be a custom from immemorial times, although mercantile customs grow in this country very rapidly. But this has nothing to do with mercantile custom, because the public servant will have nothing to do with it. Therefore, what is the customary service mentioned here? It may be that a person who is a washerman must wash his clothes; if he is a barber, he must shave him:

"on the terms on which such things would be done in the ordinary course."



[Mr. S. C. Sen.]

There cannot be any ordinary course for every person. In some villages, as you know, the barbers are not paid, because they may have been given lands by some persons for whom he does free work; in other cases, they may be given some vegetables or something of that kind. So the meaning of the words "in the ordinary course" is not clear.

Then, again, when you come to the definition of a "public servant" you find that "public servant" includes not only respectable people, but also menials of railways, menials of utility companies, village *chowkidars*, etc. Is it possible to concede that the village *chowkidars* are to be rendered customary services upon the usual terms? By the inclusion of all sorts of people within the category of public servants, the operation of this clause has been made ridiculous. On these grounds I support the motion that this clause should be deleted.

**Mr. G. S. Dutt** (Bengal: Nominated Official): Sir, as I listened to the debate on this amendment, I could not help being impressed with a sense of unreality in a great deal of the eloquence to which we have been treated mainly by Honourable Members opposite and also to a certain extent by at least one Honourable Member behind us. The questions before us are: Is the present law sufficient to protect those who are responsible for the administration of the laws which this Legislature has made? Is it sufficient to protect them from harassment for discharging their duties, in carrying out the laws which this Legislature has made? Instead of dealing with this question, many of my Honourable friends have branched off into what I may describe as Demosthenes-like diatribes on the devoted heads of the poor officials who have to carry on the dusty work of district administration. There is a proverb in Bengal—we have an apposite saying in Bengal, Sir, for everything in life and Mr. Lahiri Chaudhury has had occasion to quote one or two in his speeches—which describes this state of mind and it says:

*"Dhan Bhanter Shiver geet."*

It means, you should not be singing the song of Shiva when you should be husking your paddy. Now, the song of Shiva, Sir, is an unfailing source of enthusiasm, and one of its attributes is that once somebody begins to sing it, there is a chorus raised, everybody comes and joins in the chorus, and you have a scene of wild excitement. Here also we find that whenever you begin to abuse officials, it provides an unfailing source of enthusiasm and a chorus is always raised accompanied by feelings of wild excitement. With due deference to Honourable Members, I would liken the speeches of many Honourable Members opposite on this subject to an abandonment to the song of Shiva and its wild excitement and chorus, when they should be devoting themselves to the practical business of the husking of paddy or, in other words, of dealing with the subject matter of the clause before the House. The paddy in the present case, Sir, is this clause 4 and the question is whether the present law is sufficient to protect the public in their freedom of action and freedom of locomotion, and, what is here more to the point, whether it is sufficient to protect your officers in their work of safeguarding to the public their freedom of locomotion and action. I believe, Sir, that I can say without fear of contradiction from my Honourable friends who come from Bengal, that I am no blind supporter of the police or of any other section of Government officers. But,

Sir, what I ask is this: is this the time to dilate upon the evil doings of some particular officials who may have made some mistakes? I think, Sir, that this subject of the widespread prevalence of the misdeeds of officials is rather out of date now. It is well known that the conditions which prevailed twenty years ago and which used to provide a subject of unflinching theme for eloquence in the Legislatures and outside do not prevail now-a-days. In this connection I must say that the only Honourable Member who had a good word to say about the officials is our friend, Mr. Gaya Prasad Singh, to whom I must pay a tribute for doing this. But when I listened to my Honourable friend, Raja Bahadur Krishnanachariar, I was wondering where he got his highly entertaining stories from. While listening to him, I began to wonder, Sir, whether he was speaking from mere hearsay or from his own knowledge. He talked about a poor *chowkidar* who came to him after a long journey and begged for a few pice worth of drink. I presume that in this case he was speaking from his own experience. Presumably the Honourable Member did not give the *chowkidar* the drink asked for and he was undoubtedly within his right in refusing it. But, Sir, when he related the story of a Government official going at dead of night and waking up a poor *dhoby*, and, if I remember him aright, putting a bundle of clothes on his back to carry for washing. I began to wonder, Sir, whether his memory was not playing a trick with him and whether he was not relating a story of pre-historic times which he had read in a story book as a child or had perhaps heard from his grandmother. Sir, I do not know much about Madras, but I do not think that such things happen even in that part of the country now-a-days. Let us leave the misdeeds of officers alone and come to deal with the motion before the House. And here I would ask Honourable Members, are the officers on trial here or are you on trial?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Order, order.

**Mr. G. S. Dutt**: My point, Sir, is this: many Honourable Members spoke yesterday as if the officials were here on their trial. My point is, it is not the officials who are on their trial here . . . . .

**An Honourable Member**: Then do not ask for protection.

**Mr. G. S. Dutt**: It is the Legislature which you represent and which must provide sufficient protection to all by its laws that is on its trial. Are not the officials who are engaged in protecting you but to whom you give step-motherly treatment, also entitled to protection? I admit, Sir, that there may be officials here and there who commit excesses. Officials in every country are liable to err. In no country are the members of any section of people absolutely perfect. But, Sir, we must not lose sight of the fact that they are not on their trial here now: it is really you who are on your trial.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Will the Honourable Member address the Chair?

**Mr. G. S. Dutt**: I beg your pardon, Sir. I ask Honourable Members opposite, is it not they who are on their trial? Is it not the Legislature itself which is on its trial . . . . .

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Including Mr. Dutt himself.

**Mr. G. S. Dutt:** And what are the officials doing for which you treat them in a step-motherly fashion? Sir, I can understand the principles which are represented by the gentlemen who themselves practise civil disobedience: they are welcome to their principles. If they came here and said "You have no right to pass such laws", I could understand their position. But how can my Honourable friends opposite who profess to represent the present order which the others want to subvert—who represent the laws which the others want to subvert—how can they come here, Sir, and object to legislation which is intended to fill up the lacuna left in the present law through which these attacks are being made? The officials to whom you are meting out this step-motherly treatment are the people who, as your servants, are administering the laws which the other party is out to subvert. They are your own front line of defence against this attack on you and the present order which you represent, and instead of supporting them you are hitting them from behind . . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Will the Honourable Member remember that he is addressing the Chair?

**Mr. G. S. Dutt:** When I said "you", Sir, I really meant the Honourable Members of this Legislature. I used the word impersonally. I submit that it is the officials who stand between them and utter chaos and disorder, and yet, Sir, instead of backing the officials up in this matter, Honourable Members opposite come here and behave as if they are the right wing of the people constituting the Congress and the civil disobedience movement and make excuses for the conduct of those gentlemen. However justifiable such conduct may appear in the eyes of those who represent the civil disobedience movement, I submit, Sir, that it does not lie on Honourable Members opposite to come and object to legislation which is intended to remedy the inadequacy of the laws which they have themselves helped to make. I say, Sir, it is they who stand impeached, because the law is at present obviously inadequate to meet the situation that has been created by civil disobedience. It has been admitted by several speakers, including Mr. Ranga Iyer, an eminent Member of the party opposite, that boycott of officials has, in fact, sometimes had a very harmful effect. Public servants have been boycotted in many localities and that has been admitted. Now, why have these officials been boycotted? Is it not because they have been protecting our Honourable friends opposite from being picketed and boycotted? I have heard of a case in which a prominent Member of the opposite party was obstructed by a party of ladies in Queensway in New Delhi, and he had to send a S. O. S. in the form of a telephone message to the police who had to go and bring him here to attend the meeting of the Assembly. We all know of such cases. Sir, the public servants are there to protect Members of the public including Honourable Members from being molested, picketed or boycotted. Honourable Members opposite ought to know, Sir, that if public servants were not ready to help them from being picketed, they would be picketed today against coming to the Legislature and from going to the station:—they would be picketed from the bazars, and they would not be able to get their luggage from the station; and because the public servants are protecting Members from being picketed, these public servants are boycotted. Therefore, Sir, I would again ask: why

are we boycotted? I don't say that I have been boycotted personally, but when I say "we", I speak on the behalf of the devoted band of public servants to whom I have the honour to belong. Sir, we are boycotted because we public servants are protecting Honourable Members and other law abiding people from being picketed and otherwise molested or from being themselves boycotted. My friend, Raja Bahadur Krishnamaachariar said that if we behave nicely, we shall not be boycotted. He said: "Why don't you command the respect of the people? Don't resort to Criminal Law, be kind and sympathetic"?

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Is he not justified in saying so?

**Mr. G. S. Dutt:** But that is not the point here, Sir, at all. Attempt was made yesterday to prove that it was on account of the unpopularity of certain officials that they were boycotted. As I have remarked, Sir, Honourable Members opposite speak as if they belong to the right wing of the Congress, but when they make such statements as advocates of persons practising civil disobedience, it becomes obvious that they are speaking without any brief, because those who resort to boycott of officials do not say that they boycott certain officers because they are bad officers. On the contrary, Sir, they say,—I speak from personal experience,—and I have got a great regard for their consistency,—they say that they want to boycott us because they are out to subvert the law and because we stand between them and the subversion of law,—not because we are bad officers. It is obvious, therefore, Sir, that when Honourable Members opposite, while discussing this motion, delivered a long harangue on the goodness or badness of certain individual officials, that was entirely beside the point, because that would not represent the brief of Honourable Members opposite if they had a brief at all. Sir, Congressmen would never give Honourable Members opposite a brief. On the contrary, if they were allowed to have their way, they would prevent Members opposite from coming to this House and discharging their duties as Members of this Legislature. Sir, this is really not a war waged against the officials. This is a war waged against Members of the Legislature, against the legislation which they have passed and against people who are doing their ordinary work under the protection provided by the law of the land.

**Mr. D. K. Lahiri Chaudhury** (Bengal: Landholders): They do not want this law at all.

**Mr. G. S. Dutt:** Is that the reason why you do not want it also? I shall mention another proverb from Bengal in this connection, with your permission, Sir, and at the risk of tiring the patience of Honourable Members. (*Some Honourable Members:* "Go on, go on; it is very amusing.") This proverb runs: "*Jar janyey kari churi sheyee boley chor*". It means that "the person for whom I have committed a theft calls me a thief". It is meant to apply to the case of a very indigent father, who does not know how to make both ends meet, who has a big family who are all starving, and who is therefore reduced by cruel necessity to the degradation of committing a theft to save their lives. We know,

[Mr. G. S. Dutt.]

Sir, that such cases do unfortunately happen. With the money he has earned by the theft to save them from hunger he gives them things to eat; they all eat them, and then they turn round and call him a thief. That, Sir, is the unfortunate position in which we, poor officials, find ourselves placed here. We undergo all this ignominy, all this hardship and face all this boycott to protect these gentlemen, and these gentlemen are the people who give us abuse in return. Instead of thanking us for protecting them, they call us oppressors. (*An Honourable Member*: "Give up your job.") There is pathos in all this that is enough to make the angels weep, but we are not angels and so we do not weep; nor have we the time to weep, because we are too busy protecting our friends opposite from picketing, boycott and molestation.

Now, Sir, I come to the question—is the present law sufficient to deal with the menace of boycott? There is undoubtedly this menace of boycott. If any Honourable Members will profess ignorance, I say that the number of such Members who profess ignorance must be very small, because it is well known that there have actually been very relentless cases of boycott . . . . .

**Mr. B. V. Jadhav:** That was in Guzerat.

**Mr. G. S. Dutt:** Not only in Guzerat, Sir, but in every part of the country there have been numerous cases of boycott, and there can be no doubt, Sir, that if the Ordinances had not afforded the protection needed, that would have been extended to other parts of the country and in an even more virulent form. In olden times, Sir, in this country when a man was not liked or did something which was not approved by society, then, as our friend, Sir Muhammad Yakub, has reminded us, they used to stop the washerman and the barber. But the boycott also stopped there. They thought that that was enough to show their disapproval. The idea was to make the offending member feel he was unclean. He could wash his own clothes and he could shave himself, but neither would the barber shave him nor the washerman wash his clothes. That was enough. But the present boycott which has been the product of the civil disobedience movement, Sir, is in the form of a regular war,—it is a blockade. I have known cases, I do not want to go into minute details,—but I have known cases where police officers as a class have been refused food in inns or hotels. Now, imagine this case for a moment. There is a large number of police officers in a district town. They cannot all cook their food, they live without their families and so they go to a hotel to have their food and it is refused to them. (*An Honourable Member*: "They do not pay.") That is not a fact, Sir, they have always paid for their food. It is only since the beginning of this movement that they have been refused food. The idea is to force the men to resignation by starvation. If they do not resign, then they are sentenced to starve. What are the alternatives open to such officials who find themselves in this unhappy position, where they are virtually blockaded and sentenced to be starved? I say, Sir, this thing has happened. If anybody challenges this, I am prepared to give instances, but, I am sure, it will not be challenged. If, say, a hundred police officers in a district town are refused food in every hotel in that town, what are the alternatives that are open to them?

They can either go starved and die. Do Honourable Members opposite want that to be done? No, I presume not. Or they can take the law into their own hands and commit reprisals and snatch the food by force from the hotel. If they do this, they will lay themselves open to the complaint that those who are the protectors of the people are themselves breaking the law. The officials are refused food because they protect the people at large against picketing and molestation. Do Honourable Members desire that they should refuse to protect the people against these activities and resign their service? If not, then, there is only one course left open, and that is for the Legislature to provide the necessary safeguard in the shape of a law which will prevent this kind of reprisals against public servants who are protecting the public. Obviously, therefore, there is a lacuna in the law when faced with such a movement and it is the duty of this Legislature to fill up that lacuna. Honourable Members opposite have asked for examples of customary service. Is it or is it not a customary service that hotel-keepers should provide food to people who demand it in return for payment in the ordinary way like members of the general public?

**Mr. D. K. Lahiri Chaudhury:** Is it a customary right?

**Mr. G. S. Dutt:** It is a customary service for a hotel-keeper to cater to you if you go to a hotel and ask for food in return for payment; in any case, Sir, it would certainly come under "deal with".

**Mr. D. K. Lahiri Chaudhury:** What a nice interpretation!

**Mr. G. S. Dutt:** An official goes on tour to an out of the way station, and he takes with him a quantity of luggage which has to be transported to a place two miles off. The coolies are induced not to carry it. The hackney carriage driver is induced not to carry that luggage. Is not that a refusal to deal with a public servant on the terms on which such things would be done in the ordinary course? I submit, Sir, I have given sufficient instances, and I say that these things have happened. I assure the House that I can cite other cases where such things have happened. There have been cases where customary services have been refused to *chowkidars* in the villages by barbers and washermen and where shopkeepers have refused to deal with a public servant in the ordinary course of business, and thereby the public servant has been greatly harassed in the performance of his duties. This refusal has been made with the intention of harassing the public servant in the discharge of his duty. My Honourable friend, Mr. Lalchand Navalrai, said that this was a movement of passive resistance. Sir, I have never heard of an euphemistic phrase which is so absolutely inappropriate as this phrase of non-violent passive resistance when applied to civil disobedience or boycott. Does violence only apply to cases where a man carries a lathi in his hand or beats you on your back? An action may be violent even when the person who is responsible for the action has no weapon in his hand. Take this case which I have just now cited of an innkeeper refusing to give food—all the innkeepers of a town refusing to give food to a particular class of public servants and practically making them starve.

**Mr. D. K. Lahiri Chaudhury:** Can you cite any *prima facie* case where they were starved to death?

**Mr. G. S. Dutt:** I have a particular case in mind, but I do not want to waste the time of the House. The police officers could not be starved to death, Sir, because the Ordinances came into operation before this could happen.

**Mr. D. K. Lahiri Chaudhury:** We shall be glad to hear the details of one instance.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member should be allowed to speak without such interruptions.

**Mr. G. S. Dutt:** I can assure the House I can cite cases, I have actually a particular case in mind.

**An Honourable Member:** Why not cite the Mymensingh case?

**Mr. G. S. Dutt:** When you want to make a man starve by refusing to give him the ordinary facilities for taking food, if that is not violence, Sir, I do not know what is violence. All I can say, Sir, is that one would prefer a little violence to such non-violence. In order to explain what I mean, Sir, I would mention a third proverb from Bengal which says:

*"Petey kheley pithey ahoy."*

It means, if your stomach gets food to eat, then your back does not mind getting one or two blows. It comes to this, that the violence which is involved in the attempt to starve a man by picketing or boycott is a worse kind of violence, although it is not accompanied by a blow from a lathi, than the actual physical violence that would be involved in inflicting a few mild blows on his back.

I submit, Sir, that there is ample justification for this clause and that a very clear case has been made out for it. So long as the menace of civil disobedience exists, it is the bounden duty of this Legislature to provide legislation of a temporary nature supplementing the existing law which fails to protect the official from harassment in the discharge of his duty of protecting the ordinary citizen in the exercise of his freedom of action and freedom of locomotion, and in his duty of protecting the members of the public including the Honourable Members of this Legislature from being molested, picketed and boycotted by those who practise civil disobedience. Sir, I oppose the amendment. (Cheers.)

**Mr. D. K. Lahiri Chaudhury:** Sir, I was listening with rapt attention to the speech of my Honourable friend when he was on his legs. (*Sir Muhammad Yakub*: "Late friend?") I did not know that my Honourable friend, Sir Muhammad Yakub, was also short of hearing. I listened to my Honourable friend with rapt attention, because, at one time, he held the position of the executive head of my district, and I thought that I would get some light from him regarding this clause. I could not make out whether his speech was suicidal or homicidal; he spoke both ways, and he made certain observations which may be applied to the officials themselves. He admitted that there have been some misdeeds committed by the officials in the discharge of their duty.

**Mr. G. S. Dutt:** On a point of personal explanation. I said that the officials are just as much liable to error as members of the public, including Members on the other side of the House.

**Mr. D. K. Lahiri Chaudhury:** Then, Sir, I was listening to the speech of my Honourable friend, Sir Muhammad Yakub, with rapt attention.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): You were not paying any attention at all.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Chair wishes to know whether Honourable Members desire to get on with public business and, if they do, will they please abstain from interrupting the speakers addressing the House?

**Mr. D. K. Lahiri Chaudhury**: I thank you, Sir, for giving me protection from these interruptions. My friend, Sir Muhammad Yakub, opposed this amendment. I do not know how he would explain this phrase "in the discharge of his duty" if he had taken up a brief in this case. Suppose an officer is not on duty and he comes and asks for a house to be let and he is refused, will this clause operate? I very much doubt whether it will be interpreted in any Court of justice that the man who refuses the house will be liable to prosecution. This Bill will divert the people from civil disobedience to criminal disobedience. This takes away the personal right and liberty of the people. The Law Member was talking about the fundamental law of jurisprudence. May I ask him, under what law of jurisprudence this clause has been inserted. It is inhuman to take away the liberty of the poor citizens. I was listening to the speech of Mr. Dutt. He spoke of public servants being starved. He did not give one single instance in support of what he said. This law will be so much hated by the people that they will take to criminal violence. If we read between the lines of this clause, the poor people in the village will be subjected to much harassment. Raja Bahadur Krishnamachari has explained fully what happens in cantonments and my friend, Mr. Raju, has clearly pointed out how it will hit the people. I can say with the utmost confidence and with all the power that I can command that this particular clause will be harmful and detrimental to the interests of the masses and it will surely lead to revolution instead of keeping them non-violent. This law, which is sought to be enacted by the Home Member, will lead to the utmost difficulties. Now a regiment has been stationed in my district, and if they pass through a village and ask for some food from the people in the village and the gentlemen in the village refuse this food or if they ask a shopkeeper to supply them with so many seers of milk, rice and other articles and he says that he cannot supply, then those men will be liable to arrest.

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division: Muhammadan Rural): Far fetched.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Please don't interrupt.

**Mr. D. K. Lahiri Chaudhury**: The sellers will certainly hesitate, because they are not sure whether they will get the price or not. I think my friend, Mr. Dutt, will bear me out when I say that if his *chaprasi* goes to the bazaar and says that he is the *chaprasi* of the *Bara Sahib* and the shopkeeper says that he does not care whether he is the *chaprasi* of the *Bara Sahib* or not, and says that he would not sell his articles. . . .

**Mr. G. S. Dutt**: I am unable to support my Honourable friend in what he is saying.



**Mr. D. K. Lahiri Chaudhury:** It may not be the case with my Honourable friend, but it is the case with many of the servants of the higher officials. This cannot be denied. Such incidents are happening in every market. Sir, by way of developing this point, I must say that this particular clause ought to be deleted from this pernicious and obnoxious Bill. I hope and trust, every Member, who has got a little conscience, who has got some little sympathy for the unarmed, defenceless and dumb millions of India, will at least consider this particular question at issue, and I trust they will give their conscientious support to the deletion of this particular clause. Sir, I support this amendment.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammudan Rural): Sir, thirty-two years ago, when I was idling away my time in a town in the Presidency of Madras, taking a little respite from the University courses, I noticed the name of a young man who stood first in an examination at the University to which I belonged and I noticed in the papers that he was sailing for England to compete for the Indian Civil Service. I imagined a very brilliant career before him, but I never knew that in the evening of my life I would have the privilege of friendship of that young man. Only I wish that we had been discussing matters on the same side and with the same eye to the interests of our countrymen, but our visions are quite different. It is the 'service', 'lifelong servitude' that has made him one man, and participation in the political movements of my country from almost my boyhood has made me another man. Sir, I do not know, when we give our accounts before our Maker, in what way we shall be judged. Be that as it may, I was sorry that I had to hear from him things which probably in his heart of hearts he cannot believe, knowing him as I do that he also wishes India's freedom, and India's culture is also dear to him and he wishes to revive India's lost heritage as evidenced by his activities to revive the *Rai Bashay* dancing. Sir, my Honourable friend, Mr. G. S. Dutt, has been pleased to observe that he has knowledge of customary services being denied to officers. Sir, he holds a brief for the customary services for Government officers. Now, will he believe me, as I believe him and he must have known of instances which I shall presently relate. Will he believe me also that it is a customary service for a policeman to get up on any *tonga* that may pass him?

**Mr. S. C. Mitra:** Free of cost?

**Mr. Amar Nath Dutt:** Yes. You can take it from me, this is the practice here in New Delhi also. Sir, one day when a policeman was trying to get up on my *tonga*, I said, I shall get down from the *tonga* if he gets up. Then he got down. Now, is that customary service?

**An Honourable Member:** Do they use it free, or pay for it?

**Mr. Amar Nath Dutt:** I do not know. My friend is a District Officer and he must have had ample experience and he must have heard of the complaints as to the doings of the Settlement Officers in far-off villages. Sir, recently we had settlement operations in our own District, and I have some personal knowledge as also my friend over there, Rai Bahadur S. C. Mukherjee whom I miss here just now, who was laying a complaint before a Member of the Executive Council of Bengal saying that these

people were harassing his men and his tenants. And what was the reply? I hope I am breaking no confidence when I say, that that gentleman told us that in a far-off village in the home of an ex-Chief Justice of Bengal when he and the Director of Land Records were there, then the ex-Chief Justice complained about the underlings of the settlement officers and the Director of Land Records himself said that they had taken Rs. 65 from his officers. Sir, is that customary service? Even when the first settlement operations begin, these *amins* go about the villages when standing crops are there. The instructions no doubt are "save the crops as much as possible", but actually they will destroy as much of the crops as possible in order to get some money and if you do not grease their itching palm, you are not safe. Sir, all these complaints people make before the Settlement Officers, but they do not pay any heed. Will my Honourable friend take it from me that I have known of Settlement Officers who never spent anything for their rations? That being so, it follows that there are officers and officers. There no doubt are a few officers of the type of my Honourable friend over there, but the majority of them are not so, and, if that is so, then to protect them so that they may commandeered these customary services would be tantamount to oppressing the people, and I do submit that they do not deserve it.

Sir, my friend has been pleased to speak about lacuna in the law. That lacuna has been existing since the enactment of the Indian Penal Code. That lacuna has been existing since the dawn of civilisation in human society. That lacuna has been existing in all civilised systems of jurisprudence in the world, excepting probably Russia. Sir, I think every one here will admit that since the dawn of civilization, two things have kept society together. They are the institution of private property and the institution of marriage. We hear of Bolshevist Russia destroying these two foundations of human society. Sir, I ask, do the Government, by the introduction of legislative measures like this, want to do away with the rights of private property, wish to introduce Bolshevism into India? Sir, we would like to be spared Bolshevism, and I should have hoped that my Honourable friend over there, for whose country's history I have the greatest admiration and from whose jurisprudence I have learnt to value the freedom of person and property, also would spare us from this Bolshevist procedure, for, Sir, what is this clause, if not a negation of the right of private property? It says:

"Whoever, with intent to harass any public servant in the discharge of his duties,"

Sir, the word "harass" means to fatigue, to exhaust. Now I readily admit that officers of the type of my friend over there are generally fatigued and exhausted in the discharge of their duties, but there are also officers who can be fatigued in other ways and not in the same manner as my Honourable friend over there. Who is to judge of the fatigue that is caused, and how that fatigue can be caused by an outsider, I fail to understand. There are other meanings also of the word "harass". It also means to tire with repeated and exhausting efforts.

Now, Sir, my Honourable friend has been pleased to observe that they are our servants; they are the public servants. The common saying, at least in former days, was and I do not know whether it is otherwise now, that the Indian Civil Servant is neither an Indian nor Civil nor is he a Servant. It is a misnomer. But let us concede that since much water has flown over the Jumna and they have also changed. They have

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become to a certain extent Indian; they have also become Civil and I do not doubt it, because I find them here very courteous and they are not certainly of the type of Civilians that we find elsewhere. I have the highest respect for them, because they are an able body of administrators, the like of which India required formerly. At the same time, it has been said by an official Member from Bombay that the higher class of officers are not affected. It is only the subordinate ranks that are affected and, in this connection, I would like to say that our complaint is not against the high officers of the Government, not against the members of the Indian Civil Service, who try to remove every wrong that is possible. Although we do not see eye to eye with them in all matters, I do believe in the honesty and sincerity of their desire to work for the good of the people. At the same time, this desire to protect the subordinates and not to listen to the complaints of the people against the subordinates by which act they are encouraged all the more, is very much to be deprecated. Sir, they should not be given such a protective legislation as is embodied in clause 4.

I come to the next phrase—"refuses to deal with". Now, Sir, the word "deal" means several things. But the verb transitive "deal" means to divide, to separate, to sever, to give in portions or as one portion or share, to distribute, apportion, to bestow, deliver as blows or the like, to distribute, and so on. The complete phrase is—to deal with or to let on reasonable rent a house usually let for hire. I ask you to consider this. A man may have a house to let, but he does not want to let it out to an untouchable and you do not come out with any protection for these untouchables. Pandit Sen, who is a Sanatanist, has a house at Khulna and he would not let it out to an untouchable or to a non-Hindu and your public servants are not always orthodox Hindus. In fact, in these days very few orthodox Hindus are left. Supposing my friend over there, who has no objection to take forbidden food, compels my friend, Pandit Sen, to let out his house to him, would it not be injuring the religious feeling of a Sanatanist Hindu? I do submit, that houses owned by orthodox Hindus are not let out to low class Hindus and your subordinate ranks are recruited not only from the high class Brahmins and Kayasthas, but also from the Depressed Classes. In fact, it is your principle nowadays to give the members of the Depressed Classes more representation in the services and the Legislature. That being the case, you are compelling a man to act against his own religious belief by compelling him to let out a house on hire to a man to whom he would not let out. Then, suppose there is a gentleman who has built a house in his native town and he serves in Delhi. For some time he may let it out, but he will require it when he goes to his native place on long leave or during the vacations. In this connection I will give you a particular instance of a neighbour of mine. He is a Professor in the Delhi College and he lets out his house to judicial officers and not to executive officers. And I will tell you why. There are four houses in a particular locality, one of which is occupied by an executive officer. I know of an executive officer who used to get articles written in newspapers against himself and thereby gain favour with the Government. He himself used to get those articles written in newspapers that he is against Swadeshi and oppressing people to buy foreign goods. The executive officer got police guards in his house and what is the result? People are not willing to take the other three houses on rent. I know it perfectly well that this

man does not require a police guard, but he has got it simply because he wants to impress his superior officers that his life is in danger and, like the officer referred to before, he expects to be a favourite with the powers that be. Sir, that is the mentality of the officers of the Government and they do not deserve any sympathy. I know that a District and Sessions Judge who happened to be living in the same compound was one day rudely treated by the police guard and, therefore, no other judicial officer would accept any of these three houses in the same compound. So, there may be various reasons for not letting out a house to an officer, especially officers of the type who take advantage of the adversity of the people.

Then the clause refers to customary service. As regards customary service, I have already given one instance as I saw here in Delhi. There may be other kinds of customary services to such a public servant or any member of his family. I was just going to narrate a story which, I think, is familiar to all officers who have served as Settlement Officers in the province of Bengal, when Bihar was included in Bengal. Those officers, who served in that Province as Settlement Officers, are aware of what customary services meant in that particular Province. They know what customary services those officers at times would want. For decency's sake, I would not narrate it in this House. On the terms of this clause, such horrible kinds of customary services might be demanded by public servants. The terms in which this clause is worded are very vague. In fact a judicially minded Judge will find it very difficult to get all the materials necessary to come to a judicial finding about these things.

The clause further reads, "withholds from such person or his family such medical services as he would ordinarily render", and so on. In this connection I will narrate another incident about an officer who taught a good lesson to a sub-inspector of police who robbed a boy of a *pappaya* which was being taken to the bazaar for sale. That incident is very well known to every officer in Bengal. The poor boy, whose mother was ill, took two *pappayas* to the market for sale so that he could fetch some sago and sugar candy for his mother. The poor boy was passing by the side of a *thana* and he was called by the head constable or the sub-inspector of police, whoever he might be, and then one of the *pappayas* was taken away by that police officer. The sub-inspector then told the boy that he would give the same amount of money for the *pappaya* which he took if he returned to him after selling the other *pappaya*. The other *pappaya* was a smaller one and so the poor boy was going crying. Fortunately for the boy, a District Officer, whose name will always be remembered for several reasons—he was Mr. Beatson-Bell—that District Officer was passing by the road when the boy was going along and that District Officer enquired of the boy as to why he was crying. The boy narrated the incident that took place, and immediately the District Officer took the *pappaya* and gave him a ten-rupee note and asked him to demand a like amount from the sub-inspector of police who took the other *pappaya* from him. When the boy went to the sub-inspector of police and showed him the ten-rupee note which he got as the price of one *pappaya* and when he demanded a like amount from the sub-inspector, the latter immediately slapped the boy on the face saying that the boy was uttering a lie. Even when the boy told the police officer that a Sahib gave him the ten-rupee note, he did not believe his version. Immediately the District Officer came on the scene and told the sub-inspector that he has paid

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Rs. 10 and so he also must pay Rs. 10. What I mean to say is, there are kind hearted District Officers like the one I have just mentioned. There are officers who command our respect and to such officers we are prepared to give any amount of protection even at the cost of our lives. There are many such officers belonging to the Indian Civil Service and that is the reason why we respect the members belonging to that Service. My Honourable friend, Mr. Dutt, must have had his own experience of subordinate officers of Government.

As I was submitting, Sir, this provision is not intended to supply a lacuna in the law, but it is negating the law altogether. That being so, in all fairness I would request the Government not to enact a law like this and arm their subordinate officers with such wide powers as is contemplated in this clause which destroy the rights of private property. With these words, I support the amendment.

**Mr. B. Rajaram Pandian** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): Sir, I rise to support the amendment. I am afraid it is too elastic a power to be entrusted to the men dressed in brief authority, particularly the police. We have sufficiently heard of the police excesses. Is it fair, Sir, that they should be armed with more powers of this nature? If the Government really want to check the Congress indulging in activities of this nature, cannot Government prevent or take suitable action against them and, if need be, make suitable arrangements with some people who will be ready to serve the purposes?

I know certain incidents that have taken place in my province. A friend of mine, belonging to a village in the Tinnevely District, one day at 11 P.M. was going in his private car to fetch a doctor and a midwife to attend on his wife who was in labour pains. On his way he had to pass through another big village to go to Tenkasi where the Doctor lives. He met a head constable who wanted the car for his police constables to go to another village in the opposite direction as he had received information of a communal rioting. My friend said that he would place his car at his disposal after taking the doctor to his house to attend on his wife, but the head constable is reported to have stopped the car from proceeding further. My friend finding that the head constable was too obstinate, ordered the driver to drive the car. The final result was that his driver was charged for rash driving half a dozen times and he was registered as a suspect and everyday a policeman would go to his house and ask him if he was present there. I think even now he is being surveilled. The driver went away from his service and no other driver will take up service under him. So much so that he had to sell away his car for a very low price. I do not want to weary the House with such incidents, but the Honourable the Home Member knows that corruption is not a rare thing amongst the subordinate ranks of the police and village officers. My Honourable friend, Mr. Macqueen, will be able to tell you how many cases of corruption by village officers he had to deal with in the Ramnad District.

May I ask the Government, Sir, are they really going to protect the interests of the law-abiding people by enacting this measure which would expose them to harassment every day by subordinate agents of Government?

Besides, I may venture to mention that the Government of India by this provision will give a clear hand to the lower officials to perpetrate the worst form of corruption in the name of suppressing the civil disobedience movement.

**Mr. Uppi Saheb Bahadur** (West Coast and Nilgiris: Muhammadan): Sir, I rise to support this amendment, because I trembled when I read this clause as it placed my liberty at stake. Hereafter, the Members of the Legislative Assembly, especially those who live in villages, will be at the mercy of the village officers and village *chaprasis*. (Hear, hear.) That is why I support this amendment. Hereafter we, M.L.A.'s, will have to play to the tune of these village officers and hereafter we, M.L.A.'s, will have to keep the village officers in good humour lest we should come under the provisions of this clause. Not only we have to humour the village officer, but also his relative and any member of his family. Hereafter we have to be in the good books of any person who has got a relation in the Government service. By this enactment what the Government are going to do is to terrorise Indians and to terrorise our souls. Government talk of terrorism in India, but who are the real terrorists in this country? It is the Government who are the real terrorists in this country. The Government want to terrify our souls. That is what the Government are aiming at. The clause, as it is worded, is not aimed at Congressmen alone, but against every citizen of India.

We have got to humour the police officers. Only those who live in villages can understand what a village officer is. Before his superior officer he is a tame sheep, harmless innocent sheep, but when he once enters the village in the absence of his superiors, he is a tiger among men. It is to these people that we will have to submit; it is these people whose necessities we will have to supply and there will be no limit to his necessities. What are the things we have to do? We have to rent our house to him, to rent our lands to him and to his family, and render every customary service to him. In the village, the village officer does not live on the pittance of his income. He generally lives in a very princely style, and how does he manage it? He lives by extracting money from the villagers. Hereafter, when he gets such a wide instrument as this clause, what will be the fate of the poor people? Certainly life would not be worth living in the village and I appeal to the Members of this House to throw out this clause if they have any self-respect in them. Hereafter we have got to submit to the village *chaprasi* and make ourselves his slaves if we vote in favour of this clause. I, therefore, appeal to all Honourable Members to vote against this clause.

**Mr. S. C. Mitra:** Sir, I support the motion of my Honourable friend, Mr. Jog. I see that, in inserting this clause, Government themselves felt the weakness of their position, because in sub-clause (3) of clause 1, they made a provision that this clause will not automatically apply to the whole of India, but only where the Local Government, by notification in the local Gazette, will direct that this law will have its application. Then there is a further provision in the clause itself. Sub-clause (2) says:

"No Court shall take cognizance of an offence punishable under this section unless upon complaint made by order of, or under authority from, the Local Government or some officer empowered by the Local Government in this behalf."

So, I press this further point for the consideration of Government. If that is so, and if, as was said by the Home Member, he is by this

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all-India legislation laying the foundation on which the Local Governments will build the superstructure,—although we find, as a matter of fact, that Local Governments in their eagerness have already built a great part of the superstructure before the foundation has been well laid,—in that case, may we not leave this provision to be enacted by provinces that require it, rather than burden our all-India Statute-book with such a piece of legislation? So far as we have heard here, it was an official gentleman from Bombay who cited numerous cases from Gujerat. Sir, the Government of Bombay have enough power and they can easily have a clause like this in one of their emergency measures rather than ask us to provide these drastic laws for the whole of India without being convinced that there is any necessity for it.

The other point that I want to make is that Government will be creating a new caste, the official caste, by such legislation. It is not difficult to comprehend cases where there may be hardship; but, I wonder, why in a village all the people should be so perverse that when they find a public servant coming to the village to render some service to the villagers themselves, they should all form a great body and boycott him and try to harass him. It is really an unnatural position. I do not admit that it is a fact, but if it is so, Government are indirectly lending colour to the conviction that the Congress has such a great influence in the whole of India that, because of the Congress mandate, people would even refuse the ordinary rites of hospitality which are almost customary in India, to these Government officials. We have our little villages. If the public servant is inconvenienced in one particular village, he may go and seek shelter and get food in the next village. Is it Government's case that the Congress influence is so widespread in villages that a public servant will not get any help even from the Muhammadans? My Honourable friend, Sir Muhammad Yakub, will probably admit that he will not be denied some hospitality by at least some Muhammadans. If that is so, what is the necessity for a legislation like this? As I have already said, it is possible that there may be hardship in some cases. It has been said very chivalrously by Mr. Amar Nath Dutt that for an untouchable he will not allow some rooms even for hire and when it is demanded from the Government to make some rules for the amelioration of the condition of untouchables, the Home Member will say that Government have nothing to do with these social and religious matters. I feel that the untouchables and the Depressed Classes and some other classes suffer much more from these petty inconveniences than even these high and mighty officers of Government. So my point is, that I do not contend that there are no cases of hardship, but that it is not possible by mere legislation to eliminate all these inconveniences. As has been rightly said by Raja Bahadur Krishnamachariar, you cannot create affection in the minds of the people by legislation. Government servants should treat the people in such a way as to make them feel that they are their friends and that they are acting for their benefit. In that case, such questions will not arise. The remedy is there, making Government servants really public servants, and not by such drastic legislation. Sir, that is the main ground on which a legislation like this in the all-India Statute-book is unnecessary.

**An Honourable Member:** I move that the question be now put.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I accept the closure. The question is that the question be now put.

The motion was adopted.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, we have had in the course of this debate a series of stories and personal reminiscences, creditable or discreditable to Government servants, and, throughout, it has seemed to me that the line of criticism has been to concentrate on the supposed misdeeds of individual Government servants and to pay no attention to the broad considerations on which the Government have based their proposals. It has been said that we cannot provide by Statute for an attitude of affection towards Government servants; I am quite aware of that, but we can provide by Statute and, I submit, we should provide by Statute, that public servants are not persecuted, harassed and denied the ordinary necessities of life, and that this weapon, a mean and malicious weapon, should not be used against them, that in fact Government servants are entitled to protection from this form of active persecution. I should have supposed that after the House had listened to the facts put before them by my Honourable friend, Mr. Sorley—whom I venture to congratulate on his very effective maiden speech—they would have realised that there was a strong case to meet and that it was not a case that could be met by reciting stories of petty oppression by petty Government officials in ordinary circumstances. What has happened during this civil disobedience movement? Mr. Sorley put the case before us very clearly. Government servants have been served with notices to quit their houses. Why? Because they are Government servants and were doing Government work. Government servants have been refused supplies in villages where it is impossible to find alternative sources of supply. Why? Simply because they are Government servants and were doing their duty. Those are the kind of activities against which Government servants can claim to be protected and against which indeed it is necessary that the Government, in their own interest, should protect their servants. I can understand the attitude of those—I will not say understand, but it is possible to hold as my Honourable friend, the Raja Bahadur, apparently holds, that we might look forward to some Utopia where Government servants will be abolished altogether, though, as far as I remember, most Utopias contemplate a large multiplication of Government servants. But so long as we do require officials, we must protect them against this system of bullying and harassing, and we must not allow our Government servants to be forced into resignation by these methods. If that position is once accepted, then the whole question becomes one of the method by which we shall protect them; and, in regard to that, the Select Committee went most carefully into the provisions of this clause and introduced a number of changes.

Various criticisms of detail have been made on the clause, as it is at present drafted, and I hope to deal with those on the later amendments in which specific proposals are made for changes in the drafting. But I would invite the attention of the House to a few general considerations. It is urged that if this clause is passed, we shall be establishing a great tyranny, the tyranny of Government servants. I would remind the House that a clause, very similar to this, even wider in its terms, has been in force now for nearly a year. I have heard of no instances of this tyranny. There have in fact been few prosecutions under the boycott provisions of the Ordinances. It is not that those provisions have not been important and



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effective: we are assured by many Local Governments—not only the Government of Bombay, but many other Local Governments,—that this clause has been most effective. The fact is, that once it is known that Government have power to deal with these activities, the activities cease and there is no occasion to employ the section. But, before the powers were taken by the Ordinances, this harassing of Government servants and this boycott of Government servants was a serious menace and not in one province only. I would invite the attention of the House to three safeguards which we have placed on these powers. I admit that it is not easy to draft a satisfactory clause and we realised that the exercise of these powers does require to be watched. What are the three safeguards that we have placed in this Bill? The first is, that this particular clause, when passed into law, does not come into operation except in such area as the Local Government may specially notify. In other words, except when there is some evidence of a concerted attempt to harass Government servants by these methods, the clause will not be enforced at all. Therefore, we need not fear that all over India and at all times there will be this Government tyranny. In the second place, the clause itself makes it very clear that, in order to establish the offence, it must be proved that the withholding of supplies or whatever the action is, has been done with intent to harass the public servant or to cause him to terminate his services or fail in his duty. That cannot be proved in the ordinary cases which various Honourable Members mentioned. Some Government servant wants to get into a *tonga* or wants some supplies of food to which he is not entitled. It will not be possible to prove that the withholding of services, to which he is in no way entitled, has been done for the purpose of harassing him in the discharge of his duties. In the third place, we have provided yet another safeguard, for which I notice we get little gratitude from Honourable Members opposite, in clause 4 (2), which provides that no complaint can be made under this clause unless it has been authorised by a responsible officer. With these safeguards, I commend the clause to this House with absolute confidence.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question 1 P.M. is that clause 4 of the Bill be omitted.

The Assembly divided:

AYES—31.

Abdul Matin Chaudhury, Mr.  
Chandi Mal Gola, Bhagat.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Isra, Chaudhri.  
Jadhav, Mr. B. V.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Liladhar Chaudhury, Seth.  
Maswood Ahmad, Mr. M.  
Misra, Mr. B. N.  
Mitra, Mr. S. C.  
Murtuza Saheb Bahadur, Maulvi  
Sayyid.  
Pandian, Mr. B. Rajaram.

Parma Nand, Bhai.  
Phookun, Mr. T. R.  
Ranga Iyer, Mr. C. S.  
Reddi, Mr. P. G.  
Reddi, Mr. T. N. Ramakrishna.  
Roy, Rai Bahadur Sukhraj.  
Sant Singh, Sardar.  
Sarda, Diwan Bahadur Harbilas.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Kumar Gupteshwar Prasad.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Thampan, Mr. K. P.  
Uppi Saheb Bahadur, Mr.  
Ziauddin Ahmad, Dr.

## NOES—56.

Abdul Hye, Khan Bahadur Abul  
Hasnat Muhammad.  
Acott, Mr. A. S. V.  
Ahmad Nawaz Khan, Major Nawab.  
Allah Baksh Khan Tiwana, Khan  
Bahadur Malik.  
Amir Hussain, Khan Bahadur Saiyid.  
Anklesaria, Mr. N. N.  
Anwar-ul-Azim, Mr. Muhammad.  
Bajpai, Mr. G. S.  
Bhore, The Honourable Sir Joseph.  
Bower, Mr. E. H. M.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dunn, Mr. C. W.  
Dutt, Mr. G. S.  
Fazal Haq Piracha, Shaikh.  
Fox, Mr. H. B.  
Graham, Sir Lancelot.  
Greenfield, Mr. H. C.  
Gwynne, Mr. C. W.  
Haig, The Honourable Mr. H. G.  
Hezlett, Mr. J.  
Hudson, Sir Leslie.  
Ishwarsingji, Nawab Naharsingji.  
Ismail Ali Khan, Kunwar Hajee.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur  
Sardar.  
Mackenzie, Mr. R. T. H.  
Macqueen, Mr. P.

Meek, Dr. D. B.  
Metcalf, Mr. H. A. F.  
Mitter, The Honourable Sir Brojendra.  
Moore, Mr. Arthur.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur S. C.  
Nayudu, Rao Bahadur B. V. Sri Hari  
Rao.  
Nihal Singh, Sardar.  
Noyce, The Honourable Sir Frank.  
Parsons, Sir Alan.  
Rafuddin Ahmad, Khan Bahadur  
Maulvi.  
Raghubir Singh, Kunwar.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. P. R.  
Ryan, Mr. T.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan Gakhar,  
Captain.  
Singh, Mr. Pradyumna Prashad.  
Smith, Mr. R.  
Sorley, Mr. H. T.  
Suhrawardy, Sir Abdullah-al-Mamun.  
Tottenham, Mr. G. R. F.  
Wilayatullah, Khan Bahadur H. M.  
Yakub, Sir Muhammad.  
Yamin Khan, Mr. Muhammad.  
Zulfikar Ali Khan, Sir.

The motion was negatived.

The Assembly then adjourned for Lunch till Twenty Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock. Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

**Mr. S. C. Mitra:** I beg to move:

"That in sub-clause (1) of clause 4 of the Bill, the words 'to harass any public servant in the discharge of his duties, or' be omitted."

Sir, having failed to induce the House for the deletion of the whole clause, I am now suggesting some amendments to purge this clause of some of its objectionable features. The words are "harass any public servant". The phrase is very vague, as has been submitted by some Honourable Members in their speeches. The dictionary meaning is "to repeat, to worry, or to vex with repeated request". Now, "to be worried" depends more on a person's temperament, and on the condition of his health, than anything else. What I mean is that this is more a subjective affair, and it will depend upon the particular public servant who may get worried or troubled by a particular conduct. I think it is not possible even for Government to set up a standard of measure as to what will amount to harassment. Different Magistrates have different ideas, and

[Mr. S. C. Mitra.]

equity varying with the Chancellor's foot, the standard of harassment will vary with the temper of each Magistrate. Therefore, even if it be found necessary to have a clause of this type, I suggest that at least the words "to harass any public servant in the discharge of his duties" should be omitted. Sir, I move.

**Rao Bahadur B. V. Sri Hari Rao Nayudu** (Madras: Nominated Official): Sir, I rise to oppose the amendment. Honourable Members of this House are fully aware, Sir, that the Congress has always been preaching the boycott of all Government officials, as a plank in the civil disobedience movement. What is the sin, Sir, that the Government officials have committed to deserve social persecution? They say, we are soon having at least provincial autonomy. The Madras Province, for instance, from which I come, is going to have 215 legislators. Now, Sir, can it be said that these 215 legislators alone or even double their number can govern the whole Presidency?

**Sir Muhammad Yakub**: That is not the question. The question is that that phrase be deleted.

**Rao Bahadur B. V. Sri Hari Rao Nayudu**: They can only legislate. Sir, legislation is only a means to an end and not the end itself. The end is the good administration of the country. Can any Legislature carry out their legislations without the help of the administrative machinery? If tomorrow the Congress comes into power, there will surely be somebody sitting in the Opposition. In that case, will the Congress allow Government servants to be disloyal to the party in power? And does any sane man contend that Government servants should not whole-heartedly carry out the orders of the Government of the day? If not, in such a case, should the Opposition, to whatever party it may belong, advocate persecution of these Government servants, simply because they are loyal to the party in power, however autocratic that party may be?

In politics, friends of today may be enemies tomorrow. Honourable Members might have seen in the newspapers about the present relations between Mr. De Valera, President of the Irish Free State and his erstwhile comrade, Mr. Cosgrave. What would become of Mr. De Valera's Government if the army and the police were to side today Mr. Cosgrave, and disobey the existing Government's orders?

I contend, Sir, that a good public servant is as much an asset to the country as, if not more than, a good legislator. It is he who has to bear the brunt of the whole administration. It is he that really comes in direct contact with the masses and it is to him that the vast population look for sympathy and impartiality. There may be, I admit, Sir, black sheep in Government service, as there are in every walk of life. But such black sheep can be removed from service only with the help of public opinion and not by persecution of all Government servants. My Honourable friend, Mr. Puri, had admitted during the Simla debate that the majority of the people had still got faith in the impartiality of the Courts. Government servants must be thankful to him even for such small mercies; may I point out to him, Sir, that whether the future generations will continue to enjoy the benefits of this impartial administration of justice, which is largely due to the high traditions of the Indian Civil

Service during the last 150 years, depends more upon how the Government servants are allowed to discharge their duties without fear of persecution by any political organisation whether it may be in power or in the Opposition. In my humble opinion, Sir, public servants should not be drawn into the whirlpool of politics.

Thanks, Sir, for the foresight of the present Government, the establishment of the Public Service Commissions goes to a great length to avert the dangers to which public servants may have to be exposed otherwise, and, in our Presidency, Sir, the Legislature has very wisely transferred recently the power of appointing even the Public Service Commissioners from the Governor-in-Council to the Governor himself.

It is a great consolation to all Government servants to learn that the services may not be hereafter used as pawns by politicians. I should say that the Government have done another piece of good service to the public servants by including in the Bill, which we are now discussing, the provisions relating to the boycott of public servants.

I would appeal in this connection to all Honourable Members of this House not to forget that public servants carry out their orders. My Honourable friend, Mr. Ramakrishna Reddi, has said: "I have a duty to perform to my constituency". Sir, may I appeal to the Honourable Members of this House, elected and nominated, that they have a duty as well to perform to the thousands of public servants who carry out their orders in the face of all difficulties? If the legislators cannot support the public servants in the difficult task of carrying out their own orders, how can they expect to get good recruits to the public service in future? Surely they can get public servants, Sir,—Magistrates, Collectors and even High Court Judges,—on a pay of Rs. 100 per mensem with the prospect of making hundreds and thousands of rupees per mensem in other ways. But to have a contented public service to complement a good Legislature for the good administration of the country, every reasonable safeguard should be given to the Government servants by the Legislatures, to prevent their being persecuted and harassed in the lawful discharge of their duties. Legislation is only the outcome of past experience. My Honourable friends cannot shut their eyes to facts. They all know to what amount of persecution public servants have been subjected to in the discharge of their duties in the civil disobedience movement of 1930-31 and in the non-co-operation movement of 1920-21. There were 136 resignations by village officers in 1921-22 in the Kistna District of the Madras Presidency where I was then serving, and there were wholesale resignations of village officers in the Telegu Delta Districts, especially in Guntur and Godavari Districts, where the Congress movement was very strong. To my knowledge, 29 Government servants, other than village officers and village servants, resigned in those two periods. It is only on account of the strong attitude of the Government that there have been very few resignations this year in the Madras Presidency. Nearly 500 patels and 1,000 village servants resigned in the Districts of Surat, Ahmedabad, Kaira and Broach, as stated by my Honourable friend, Mr. Sorley, in the first month of the civil disobedience movement in 1930. In these districts, village officers who did not resign were not allowed free access to the village water supply, and the ordinary necessities of life were not allowed to be sold to them. Village officers were threatened with boycott and social ostracism. Supplies and means of transport were

[Mr. B. V. Sri Hari Rao Nayudu.]

withheld from touring officers. Even officers of higher grade were given notice to quit the houses they were occupying. It is only the strong action of the Government that has put down this boycott in this year's movement. It, therefore, behoves all Members of this House to see that similar persecution is not repeated at any time in future, irrespective of the existence or not of the civil disobedience movement. The Select Committee has removed all unreasonable restrictions which, in their opinion, the provisions of the original Bill imposed on the fundamental rights of citizenship. But I would earnestly appeal to the House that Honourable Members should also bear in mind that Government servants are entitled to equal rights of citizenship in this country as anybody else whom my Honourable friends may represent, and that Honourable Members should not forget this fact while giving their best consideration to the recommendations of the Select Committee on this clause and the amendment now proposed thereon. (Cheers.)

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muham-madan): I have listened with amused interest to the written essay of my Honourable friend who has just sat down; but I wonder whether all that he said on the present occasion was relevant to the specific motion before the House. He should have reserved his speech for the third reading of the Bill.

It is quite natural that an official Member should only be too glad to support a motion which fortifies him and his confreres in a position of privilege and power, and anything that tends to bring him down to the level of the ordinary citizen should be resented by him. I hold that this clause of the Bill seeks to entrench the ordinary official into a position of privilege which is denied to other classes of ordinary citizens. My objection is to the whole clause itself, but since it was not found possible to delete the whole clause, I have to accord my support to the amendment of my Honourable friend which is under discussion. The word "harass" is really an indefinite expression which might mean anything or very little. What might harass me, for instance, may not be sufficient to harass a man of a different temperament. It is in this view of the matter that the word "harass" which is incapable of precise definition has found a place in this clause. "Harass" might mean fatigue, to exhaust, or to tire and, so on. It might have other meanings. I am not going to enumerate all the possible meanings which the word might connote in an ordinary dictionary, but this expression "harassing a public servant in the discharge of his duties" is really a vague expression. Now, with regard to the word "discharge of his duties". I should like to enquire from my Honourable friend, the Home Member, or his colleague on his right, whether this clause is going to apply to a public servant who is actually on leave. This was a matter which we discussed in the Select Committee, and the impression which I carried with me was that this clause is going to apply also in the case of a public servant who may be on leave, because the elements enumerated in this clause might induce him to terminate his service even when he is on leave. Therefore, it is quite necessary for the Government to define the precise scope of the expression which is used in this clause. Since there has been no precise definition of this clause, I am only compelled to ask this specific question of the Government whether this clause is going to operate in the case of a Government

servant who is actually on leave. If so, the position becomes more dangerous. With these words, I support the motion which is now before the House.

**The Honourable Mr. H. G. Haig:** Sir, it is necessary to remember that in order to establish an offence under this clause, intention has to be proved. It is not, I think, a reasonable suggestion that the intention which has to be proved should be strictly limited to only certain of those objects which the boycotters are pursuing. It is perfectly true that in some cases the object of the boycottter is to make the public servant terminate his services, but it cannot be said that in every case that is the precise intention and, indeed, it would be exceedingly difficult to prove. The more general intention is to prejudice or to harass a public servant in the discharge of his duties, to cause him to fail in his duties, to dishearten him, to make it difficult for him to act as he should act. It is necessary, therefore, if this clause is to be effective, that this general provision should be maintained. The particular objection which has been taken to the word "harass" might be taken to whatever word we choose. Actually in the original draft the word used was "prejudice". Certain Honourable Members of the Select Committee, among whom, I think, probably my Honourable friend, Mr. Gaya Prasad Singh, was numbered, said that that word was not a suitable word. We looked through the dictionary and we tried to secure a suitable word and, after a good deal of reflection and discussion, this was the word selected as most suitable to express what we had in our mind. With regard to the particular point that has been put as to whether it is possible to use this clause in regard to a public servant on leave, it depends entirely on the circumstances. It may well be that when a public servant is in his home, pressure may be brought to bear upon him through the method of boycott intended to make him terminate his services. In such a case, it would undoubtedly apply to a public servant whether he is on leave or whether he is anywhere else.

**Mr. B. V. Jadhav:** The question is whether "harassment" will apply to an officer on leave.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, the words 'to harass any public servant in the discharge of his duties, or' be omitted."

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill, before the word 'duties' the word 'lawful' be inserted."

Having failed to carry the previous amendment, I now like to have the word "lawful" inserted before the word "duties", so that it may be more specific. It has been argued by Honourable Members on this side that the duties of particular public servants may not be known and some officers in their enthusiasm may get into their head an exaggerated sense of their duty. If it is not specifically said that the duties here are intended only to mean lawful duties, then there may be chances for an abuse of this clause. If a superior officer conveys an order to an inferior

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officer, that officer is bound to carry out that order, whether it is legal or illegal. To make these cases specific and definite, I suggest that Government might accept the addition of the word "lawful" before the word "duties". Sir, I move.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I beg to support this motion. Sir, it may be said that in law the use of the word would imply only duties that are lawful; but, Sir, the word "duties" has very wide meaning and it is, I submit, proper that the meaning of it should be restricted. I shall illustrate my point by narrating the instance of the behaviour of an Inspector of Religious Endowments in Madras, whose name I shall not mention here. He went to a temple in Malabar and, having examined the accounts and other things, he went to worship in the temple. Now, the custom there is that people should leave their *sandals* and shoes outside, but this gentleman thought it *infra dig* to take his *sandals* off. There would have been trouble if some elderly men had not intervened. Of course, as a matter of fact, it was not his duty to go there with shoes on. Sir, such instances of abuse of duty very often occur, and, in view of the fact that we are bringing within the scope of the clause all kinds of public servants, including those of the local boards, and utility service companies, it is highly desirable to restrict the meaning of the word as far as possible. Sir, it is one thing in the case of the higher officials, but it is quite another in the case of illiterate and low-paid servants of taluqa boards and utility services. The chances of abuse among the latter class are very much more than among the educated and well paid public servants. Then, there is the point raised by my Honourable friend, Mr. Jadhav, about the duty of officers on leave. Do they discharge any lawful duty while on leave? It is better, therefore, to avoid all such difficulties by inserting the word "lawful" before the word "duties".

**Mr. B. V. Jadhav:** Sir, I rise to support the amendment. As the definition of the words "public servant" has been extended even to servants of local bodies, I think the adjective "lawful" should be prefixed to the word "duties" in order to properly explain and confine the meaning of the word. We know that the presidents and chairmen of the managing committees of some of these local bodies are very important persons and that some of the low-paid subordinates are working for them in capacities which cannot exactly be called their duties. Now, as the order of a superior officer must be obeyed by a servant, a servant may look upon any order of the chairman or the president as one which he ought to discharge, although that may not be his proper or lawful duty. Therefore, when one happens to trouble or harass such a servant, that one ought not to be hauled up before a Court of law for committing a crime under this clause. For this reason, Sir, I submit that the word "lawful" ought to be inserted before the word "duties".

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, if I were convinced that there was any ambiguity in the word "duty" and that in order to clear that ambiguity the word "lawful" should be inserted before the word "duties", I would not have hesitated to accept the amendment. But my submission is that by using the word "lawful", you would be introducing an ambiguity which is not there now, and I shall presently

make my position clear. The word "duty" in law means "a legal obligation", and, at the risk of annoying my friend, Mr. Amar Nath Dutt, I shall again quote from Salmond's Jurisprudence. Sir, Salmond says:

"A duty is an obligatory act, that is to say, it is an act the opposite of which would be a wrong. Duties and wrongs are correlatives. The commission of a wrong is the breach of a duty, and the performance of a duty is the avoidance of a wrong."

Sir, in law, the word "duty" has a definite connotation. If you introduce the word "lawful", what would the implication be? If you say "in the discharge of his lawful duties", could there be discharge of an "unlawful duty"? What is the antithesis? An unlawful duty would be a contradiction in terms, because "duty" means "a legal obligation". That being so, by using the word "lawful", you immediately bring in the idea of the possibility of an unlawful duty, which is of course absurd.

**Sardar Sant Singh** (West Punjab: Sikh): May I interrupt my Honourable and learned friend? I must draw his attention to the fact that in sections 332, 333 and 353, of the Indian Penal Code, the expression used is "in the lawful discharge of his duty as a public servant".

**The Honourable Sir Brojendra Mitter**: Sir, I am not dealing with the phrase "lawful discharge": I am dealing with the phrase "lawful duty"; and every word must be read in its proper context. I am dealing with clause 4 now. The interruption to my mind is irrelevant. With regard to Mr. Jadhav's point, the discharge of a duty by a public servant is the discharge by him of a duty imposed upon him by law, and not a duty such as he conceives it to be. Therefore, there is no ambiguity in the word "duties". The addition of the word "lawful" would introduce ambiguity. I oppose the amendment.

**Sardar Sant Singh**: Sir, as the whole clause has been retained by the vote of a majority of this House, I am not at liberty to discuss it as such, but taking the context of the clause, it will be necessary to reduce, as much as one can possibly do, the rigor of its working. Sir, it will not only be in the interest of the Opposition that a law should be very definite, but it should be such as will in practice enable those who put it to actual use to put the right interpretation upon the terms used. The clause, as it now stands, states:

"Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services or fail in his duty,"

Here the words are "in the discharge of his duties". We know that it would be the duty of a public servant to go to a place when his superior officer asks him to go there. But would that be his lawful duty? It may be his duty to obey the superior officer in his own interest, but it would not be his lawful duty as a Magistrate. Similarly, a public servant in any other capacity will be in the same position. Take, for instance, a railway servant. He may also be doing his duty when he is asked by a Stationmaster or some other superior officer to go to the town and fetch something. The word "duty" will convey the sense of obedience or loyalty to the superior officer or to the Court to which he belongs, but it would not be a lawful duty, a duty imposed by the Statute under which he is working at the time. It may be a duty of a servant to obey his master even if the order of the master be unreasonable. I will illustrate



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it by an example which will look absurd on the face of it. Supposing a master asks his servant to murder a person, what will be the result? It will be the duty of the servant to murder the man, and if anybody harasses him in the performance of his duty, he will be brought under the purview of this clause. (*A Voice*: "The master may be mad.") It may be so. That is why I preceded it by saying that it may look to be an absurd example, but it is not really so absurd. Take, for instance, the case of a soldier. An order is given by the superior officer to fire and, later on, the order is found to be illegal and the man is hauled up for murder. The question before the Court and the jury would be whether the man was guilty of murder or not. The defence may be taken that he was performing his duty. He stood between two cross fires—either to be court-martialled for not obeying the order of the Military authority or to be sent for by the civil authority, put in the lock-up and tried for man-slaughter. These are not absurd examples, and neither the persons who gave such orders were mad. It was the *bond fide* judgment of the officer to issue the order, and it was the *bond fide* duty of the soldier to carry out that order. These are not imaginary cases; these are the reported cases. If the amendment asks that there should be some limit placed on that duty, it is a fair request. My friend objects to the word "lawful" and he is probably enanoured of the words "lawful discharge of his duty". Let the amendment come from the Honourable Member himself that it should be the lawful discharge of his duty as a public servant who would be protected. They will thereby limit the scope of the clause and will help in the interpretation of it. I, therefore, support this amendment.

**The Honourable Mr. H. G. Haig**: Sir, I need not say more than one word, because my Honourable colleague has already dealt with the point of law. All I wish to say is, that it will be for the Court to interpret what is the duty of a Government servant, and I do not think the Court will have very much difficulty in arriving at a conclusion. My Honourable friend, Sardar Sant Singh, seemed to be very sympathetic to Government servants and suggested that they were constantly in doubts and difficulties as to what was their duty. Well, Sir, as a Government servant, I can assure him, that that is not a case that frequently arises. I never remember myself being faced with any great perplexity in knowing what was my duty as a Government servant and what was not, and I do not think that the Courts will have any difficulty in solving these problems.

Sir, I oppose.

**The Honourable Sir Brojendra Mitter**: May I answer a question which was directly put to me by Sardar Sant Singh? My Honourable friend mentioned some cases of a soldier shooting, and so on, but he forgot that in all those cases under the sections of the Indian Penal Code it is the duty of the accused which is before the Court. Here it is not the duty of the accused, but of the public servant.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member can only make a personal explanation at this stage.

The question is:

"That in sub-clause (1) of clause 4 of the Bill, before the word 'duties' the word 'lawful' be inserted."

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill, the words 'to deal with, or' be omitted."

The purpose of these amendments of mine is to improve the clause if it is at all possible to do so. Clause 4 reads thus:

"Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services or fail in his duty, refuses to deal with. . ."

Now, this phrase "to deal with" is extremely vague and indefinite. It has been argued previously by my Honourable friend, Mr. Sen, that the dictionary meaning of the phrase "to deal with" is to associate with or to do business with. It is required that every body should be compelled under the pressure of law to associate with or to do business with the Government officials, the refusal of which will bring one, under the purview of this clause. If it is the purpose of the Government to spread the net too wide to catch all and sundry under some pretext or other, of course such phrases will help them: otherwise I do not see any reason why Government should not specifically say what they want the public at large to do by the public servant. It has been said, the public is to let on reasonable rent houses to, cultivable lands for, and render other customary services to, public servants, but what Government mean by the words "deal with" is not clear to me. I do think that this clause at least should enact a law which should be very specific and definite so that even an ordinary man in the street may understand what may be demanded of him by law. So, I suggest that at least this phrase "to deal with" might be omitted from this clause.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

"That in sub-clause (1) of clause 4 of the Bill, the words 'to deal with, or' be omitted."

**The Honourable Sir Brojendra Mitter:** Sir, my Honourable friend Mr. Mitra's objection to the expression "deal with" is that it does not convey any clear idea of what is in the mind of the Legislature. Sir, "to deal with" is not a technical expression. It is a popular expression and the meaning of it is to be gathered from the dictionary, and the meaning of it has already been mentioned by my Honourable friend himself. One of the meanings is "to do business with". That is precisely what we mean. When a public servant goes to a village, he wants to go about from place to place. Suppose taxi-cabs ply for hire there and the owner of the taxi-cabs refuses to deal with him, because he is a public servant, then he would come within the mischief of this clause. Or take the case of a village grocer whose business is to supply groceries to anybody who is willing to pay the proper price. If the grocer refuses to supply goods to a public servant, then that grocer refuses to deal with that public servant.

3 P.M. Instances may be multiplied, but it is not necessary that in a clause you should enumerate all the various things which might come within the purview of dealings between man and man. The words "supplying goods" were in the original Bill, but were omitted in the Select Committee. I have tabled an amendment for the insertion of these words

[Sir Brojendra Mitter.]

which will remove all ambiguity whatsoever as to what sort of dealings we are thinking of. From the whole clause it is abundantly clear that we are thinking of residence, we are thinking of locomotion, we are thinking of food and we are thinking of customary services to which a man, living in ordinary civilised society, is entitled, like the services of a washerman, the services of a sweeper, the services of a barber and things of that sort. When one reads the whole clause, he can have no doubt in his mind as to what sort of dealings we are thinking of. In order to make it more clear, I have tabled an amendment. I submit, the words "deal with" are not ambiguous. Sir, I oppose the amendment.

**Mr. S. O. Sen:** I had no intention of speaking on this motion as I had already made my submission as regards these words "deal with" in the speech which I already delivered. Sir, the Honourable the Law Member has explained to us what "to deal with" means. What is the dictionary meaning of the words "deal with"? There are two meanings in the dictionary, one is "associate with", and another is "to do business with". He is not dealing with a man when he refuses to associate with him.

**The Honourable Sir Brojendra Mitter:** When there are several meanings to a word, the meaning which is appropriate in the context is to be adopted. The meaning "to associate with" would be absolutely out of context.

**Mr. S. O. Sen:** Well, Sir, I am a Solicitor of some standing and I am supposed to know the meaning of every word which we use in our documents. Therefore, Sir, the explanation which has been given by the Honourable the Law Member is not new to me. But, Sir, what is the context here? The context is "to deal with on the terms on which such things would be done in the ordinary course". The barber of my village may come to me and say: "I want to associate with you upon the terms in which I am accustomed to do in the ordinary course". Is there anything wrong in the context about that? So both the meanings can be attached according to the whims and fancies of the person who tries the case. That is the reason why I say that the expression "to deal with", having regard to the context, leads us to absurdities.

The Honourable the Law Member has tabled an amendment to make the meaning perfectly clear. I would have fully agreed with him if he had stopped short of two words in the amendment which he has tabled. The amendment was originally tabled in the name of the Honourable the Home Member, but it is now given in the name of the Honourable the Law Member. The amendment runs:

"That in sub-clause (1) of clause 4 of the Bill, after the words 'refuses to deal with' the words, 'whether by supplying goods to, or otherwise', be inserted."

Well, Sir, what is the meaning of the expression "or otherwise"? Every day we use the words "or otherwise" simply to confuse people by vagueness. I admit that. We include in the words "or otherwise" everything we can conceive of. So, how is the Honourable Member removing the admitted ambiguity by the amendment which he is going to move? If he will agree to the deletion of the words "or otherwise", I think, Sir, he will remove the ambiguity and will make the clause applicable only to the case of supplying goods. With these words, I support the amendment.

**Sardar Sant Singh:** Sir, this expression "to deal with" as well as other expressions that follow are a serious inroad upon the rights of ownership of property of individuals. Herein a provision is made that a person is to be penalised, simply because he refuses to deal with a particular individual who happens to occupy a place in the service of the State. What is required is that he has to deal with public servants in all the terms described in the clause, that is, on such terms as such things would be done in the ordinary course. My objection to this serious inroad on the ownership of property is this. Supposing a person wants to purchase lands. I think it has been made clear in this House that this provision is not limited to those cases only when the public servant is on duty at a particular place where he is posted, but this provision is also applicable to the public servant when he is on leave. Take the case of a public servant who goes to his original home on leave and there he wants to purchase property. Well, a bogus offer is made to the owner that he should sell his property for Rs. 2,000, while the property is really worth Rs. 10,000. The public servant goes there and asks the owner: "here is an offer for Rs. 2,000. I make you the same offer and let this property be sold to me for Rs. 2,000". Or, take another instance; properties generally pass for certain considerations at much lower value than their original worth. Well, those considerations do not exist in the case of the public servant. He makes an offer saying that "you are already parting with this property or intend to part with this property at a certain consideration. I claim preference over the intending purchaser, otherwise you are to be penalised if you do not deal with me". Will this not be a serious inroad on the right of ownership of property? Those Honourable Members, who sit quietly today or who vote with the Government, will find that, if this clause is seriously worked in practice, then, the valuable right in the property, which they possess, would be taken away. My submission is, Sir, that if the expression "to deal with" means to do business, there may be several considerations on account of which a person may not like to do business with a public servant. Take the instance of a public servant who is a bad paymaster. A shopkeeper says: "I refuse to deal with you." Well, generally when a shopkeeper does not want to deal with a particular individual, because he is a bad paymaster, then the shopkeeper tells that individual: "I have not got the thing you ask for." If the public servant could prove that the shopkeeper had the article in question which he asked for and he refused to deal with him, in that case the shopkeeper is penalised. Are you not aware, Sir, of many instances where Government servants have been sued for the recovery of rent of houses they occupied, for the recovery of the cost of goods they purchased from the market which were not paid for? Is there any town which is free from such suits? Are not the Courts in all towns full of such suits and are not decrees obtained against public servants? Are there no public servants whose salaries are deducted on account of Court decrees and attachment of their salaries are made through the Accountant General? Here, by enacting a clause like this in the Bill, you are making a serious inroad upon the liberty of actions, liberty of trade and commerce of an individual for no fault of his. Do the Government mean to say that if a shopkeeper is prosecuted, he could go forward and make a defence in the open Court to the effect: "here is a public servant. I did not deal with him, because he is a bad paymaster." Will such a defence be a valid one and will this exculpate the individual who is charged with such offence? I ask this question in all seriousness. If the clause is retained, as it stands, and if a person is dragged into Court, because he refuses to

[Sardar Sant Singh.]

deal with a public servant, and if that person gives out in open Court the real reason why he refused to deal with the public servant, namely, that he was a bad paymaster, then that person may be run in later for defamation. If that is said to a public servant, he will go and lodge information against him. Therefore, if he gives the right reason, he is in for defamation; if he refuses to give the right reason, he is in for this offence. Where is the safety? The whole safety is taken away by keeping this expression. I think it is quite logical that this general expression should be omitted from this clause.

**The Honourable Mr. H. G. Haig:** Sir, my Honourable friend, Mr. Sen, is no doubt reinforced by the authority of the dictionary, and is better acquainted with the meaning of the words "deal with" than I am. But I must say that it was news to me to hear that "deal with" means "associate with".

**Mr. S. C. Sen:** That is the meaning given by the Oxford Dictionary.

**The Honourable Mr. H. G. Haig:** I bow to his authority, but I will only say that it is not to my mind the ordinary normal meaning of the phrase. I should say, without attempting any dictionary definition, that it means "to have transactions with", and no question of association to my mind arises.

Sardar Sant Singh attacked the phrase on the ground,—I took down his words,—that a man would be punished, simply because he refused to deal with somebody. Sardar Sant Singh is well aware that another matter has to be proved beyond refusal to deal with any person and that is, as we have repeated so many times in this House, what was the intention. That is vital; it is not a mere refusal to deal with a person, but refusal to deal with a person with an intention to harass him in his duties as a public servant. And there can be no question of refusing to sell property in my opinion coming within this clause. There is no obligation on anybody to sell his property to anybody else. In the case of a shopkeeper, in the case of a person who offers anything for hire, there is a presumption that he should, unless for some good reasons, supply those goods or those services, and there is then some possibility of proving that his refusal is a refusal with a bad motive. But in the case of selling property there is no possibility of proving such a thing, in my opinion.

Sir, I oppose.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, the words 'to deal with, or' be omitted."

The motion was negatived.

**The Honourable Sir Brojendra Mitter:** Sir, I beg to move:

"That in sub-clause (1) of clause 4 of the Bill, after the words 'refuses to deal with' the words 'whether by supplying goods to, or otherwise' be inserted."

In the discussion on the previous amendment we covered a lot of ground and it remains for me only to explain the words "or otherwise" to which my clever friend, Mr. Sen, took exception. Here we are giving an illustration of dealings; and one of the illustrations is supplying goods. Mr. Sen says, what do the words "or otherwise" means? Sir, they would cover other necessary transactions, and I shall mention only a few. Take the carriage of goods. A public servant goes to a railway station and his lodgings are a mile away. He wants the services of porters who ordinarily carry goods for a remuneration. If a porter at the station refuses to deal with that man, merely because he is a public servant, he would come within the mischief of this clause. That is one illustration; I will give another. Take the supply of transport. An owner of *ticca-gharis* keeps a number of vehicles at the railway station and plies them for hire. If he refuses to let his *ticca-ghari* to an officer, because he is an officer, he would come within the mischief of this clause, provided always that the intention mentioned in the clause is present. I give another illustration. Suppose a man wants to have his horse shod. He goes to the farrier who ordinarily does this sort of work and he refuses to shoe the horse of the public officer, because he is a public officer, the clause comes in. For the sake of clarity, we give one illustration and "or otherwise" would cover necessary transactions of a similar nature. I hope the House will have no hesitation in accepting the amendment.

**Mr. S. C. Mitra:** Sir, I would have been glad to accept this amendment had the words "or otherwise" not been inserted. My objection to the words "deal with" was that it was so indefinite that people will not be able to ascertain their real position. Now, after the speech of the Honourable the Leader of the House, it is clear that the words "or otherwise", according to his own illustrations, might be explained in a thousand ways. That is what should be avoided in enacting laws so that even the ordinary layman may understand what specifically is wanted by Government by these provisions. Really it is an improvement to say that "deal with" refers to supplying goods. That shows definitely that Government are anxious to have the co-operation of the people as regards this one element, but the words "or otherwise", as has been explained just now, may mean anything; and certainly it is open to the objection of indefiniteness. If Government agree to take away the words "or otherwise", there will be no objection from this side; otherwise we will oppose this amendment.

**The Honourable Mr. H. G. Haig:** Sir, I do not think there is anything I need add to what my Honourable colleague has already said, except that, by inserting these words, we really do, as he has suggested, make the meaning of the words "deal with" more definite than before, and at any rate remove all possibility of Mr. Sen's interpretation of "associating with".

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, after the words 'refuses to deal with' the words 'whether by supplying goods to, or otherwise' be inserted."

The motion was adopted.

**Mr. K. P. Thampan:** Sir, I beg to move:

"That in sub-clause (1) of clause 4 of the Bill, the words 'or land not being cultivated land to' be omitted."

[Mr K. P. Thampan.]

It has been provided that houses usually let for hire ought to be given to Government servants. But I cannot understand why lands should be given to these people.

**An Honourable Member:** For vegetable orchards.

**Mr. K. P. Thampan:** I am glad to find that the Select Committee has considerably improved the original draft. According to the original draft, lands of all kinds had to be let and could not be evicted from these people. In Malabar and other places, under the ryotwari system, very often the landholders evict the lands from the tenants. It may happen that Government servants, including higher officers, are the relatives of the tenants. My own family has got about a score of Deputy Collectors, tahsildars and police inspectors and such kind of Government servants who are our tenants. Of course, they do their duty elsewhere, but the manager or some member of the family holds the land. If we are to sue for the eviction of such lands, it might be alleged that the motive of our eviction was to harass the Government servant concerned. It is therefore, a great relief that the Select Committee has thought it desirable to exclude from the scope of this Bill cultivable lands; but, again, the question of land remains there. Lands are put to several uses and, as a landlord, I for one can not allow this thing to go through unprotected. There is no use, as far as I can see, of lands for Government servants for the discharge of their duties. This privilege is extended also to the members of his family. In the undivided Hindu families in Malabar, there are in certain houses as many as 250 or 300 members and this is certainly a very wide privilege that is likely to be abused. It is open to any of these wide circle of people to trace their relationship in cases of eviction or refusal to let out a land—and the very fact that they live in the same family or *tarwad* is sufficient proof for it—and makes out the case that the intention of the landlord was to harass the Government servant. It is therefore highly risky to keep the word 'land' there. I therefore move that this word be deleted.

**The Honourable Mr. H. G. Haig:** Sir, this is a very simple provision and I think a very reasonable one. The object is that Government servants should be able to secure some kind of accommodation in places where their duties may take them; and we are so reasonable as to admit that in some places it may not be possible to get a house; and, if that is so, surely we cannot deny them the right to have some place where they can spend the night and rest and pitch their tents. It is the case that where there is a boycott of this kind, it may not only be impossible to find a roof to shelter the Government servant, but that even the zamindars may refuse to allow him to pitch a tent. It is, with a view to conditions of that sort, that we have inserted this provision in the Bill.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, the words 'or land not being cultivated land to' be omitted."

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill, the words 'or to render any customary service to such public servant or any member of his family' be omitted."

It has been urged from this side that it will be very difficult to know what are the customary services. Take a simple example: an officer may think that it is customary for him to have *salaams* from all the people that may go to meet him. I do not grudge it to an officer who can earn them by his good behaviour, but to enforce it by an enactment of law . . . .

**Sir Muhammad Yakub:** Is it a customary service?

**Mr. S. C. Mitra:** Customary service is not explained anywhere, that is my complaint; and an officer may think that this is a customary service for him to receive those *salaams*; and my Honourable friend, Sir Muhammad Yakub, may know what were the troubles in the jails about this *sarkar salaam* . . . .

**Sir Abdulla-al-Mámûn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): I know it.

**Mr. S. C. Mitra:** My teacher knows it all right, because he was an Honorary Visitor of jails for a long time. So my complaint is that it is not known what is customary service. In my part of Bengal, in villages barbers, washermen and potters always get lands or, what we call, service *jaigirs* and, in return, they do shaving and washing, and supply pots free, because they have *jaigir* lands free from a very very long time. Will all these officers demand free shaving and free washing and free supply of these things? It is so vague: that has been my complaint against this clause all along, that it will be perhaps an instrument of tyranny for petty officials, more particularly when it is known that it has become the custom for the lower classes of police officers to get almost everything free. That has become customary; even the *begar* system was customary in India for a long time. That is the reason why I want that at least these particular words might be omitted.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved.

"That in sub-clause (1) of clause 4 of the Bill, the words 'or to render any customary service to such public servant or any member of his family' be omitted."

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I am really sorry to see that none of the vague words which appear in this Bill appear to the Honourable the Law Member as vague or ambiguous. Every time when it was pointed out that a particular word was ambiguous and vague and that it should be defined, the reply that came from the Government side always was that the meaning was very clear and unambiguous to the Honourable the Law Member, though, at the same time, he referred us to the meaning of such expressions to several dictionaries or to some books on jurisprudence or he took us to the Penal Code for principles or got help from the Criminal Procedure Code and other Statutes. Therefore, it only means that because the Bill has been once drafted, Government want that it must be passed only in the form drafted by them. Sir, that mentality is not a judicial mentality at all.



[Mr. Lalchand Navalrai.]

Now, leaving as a matter of fact, the words "duty" and "customary services" are very difficult to define. It was suggested a little while ago that duty would mean and should mean a lawful and legal duty and no other. My friend, Sardar Sant Singh, quoted section 353 of the Indian Penal Code to show that duty always meant a legal or lawful duty. The reply at once came from the other side that the words used in that section were "in the lawful discharge of the duty," and, as such, had no bearing on this clause, but really it is not so. The word in the Penal Code section is exactly the same as you find in this Bill and yet the meaning sought to be given to it is not restricted to a legal and lawful duty. I will read the section for the benefit of the Honourable the Law Member. Section 353, Indian Penal Code, says this:

"Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person, from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment" etc., etc.

Now, I shall quote only one decision on that point, which is given at page 658 of Staring's Criminal Law to illustrate that the duty contemplated is only a lawful duty:

"A peon in the Revenue Department was deputed by a forest settlement officer, under the authority of rules printed at pages 26 and 27 of Nairne's Revenue Handbook, to impress 15 carts for the use of the officer. The accused assaulted the peon and prevented him from seizing his cart. It was held that the foregoing rules had not the force of law, and that a public servant acting under them was not acting in execution of his duty, and consequently the accused was not guilty under this section."

Now, coming to the question of customary service, the Honourable Mr. Dutt this morning cited certain illustrations of customary services which he thought, if refused, would come under the provisions of this Bill. I have a high regard for my Honourable friend, Mr. Dutt, and I take it that he was conscientiously of the opinion that this evil of highhandedness of public servants which was once prevalent has now decreased; but I asked him how far had they improved, but no reply came. My point is that the illustrations he gave have no bearing at all on the point we are discussing. He said that if a public servant goes to a village and there if he does not get food from any hotel keeper, then that hotel keeper will come under this Bill, because, according to him this is a customary duty to render that form of service. I submit with great respect that it is not his duty to render that kind of service. Only those shopkeepers who have been licensed are in duty bound to give food, etc. . .

**Mr. G. S. Dutt:** On a point of explanation, Sir. I mentioned a case of hotel keepers who are licensed to supply food in the ordinary course to the public.

**Mr. Lalchand Navalrai:** I am very sorry to hear his explanation, because my friend must know that we have not got hotels in small villages.

**Mr. G. S. Dutt:** I was referring to a town, Sir, in which this actually happened, and I was not talking of a village, as my friend thinks. I said that it was in a town all the hotels refused to provide food to a certain body of public servants.

**Mr. Lalchand Navalrai:** I think it is an extreme case in which every hotel keeper refused to give food, but I do not think such a case will have happened. Supposing all hotel keepers, though licensed, refused to give food, why was it that in this case food was not secured from other various shop keepers in the town? However, if they are making a law with a view to mitigating the difficulty in villages where, it is said this evil prevails, another difficulty will arise. Suppose a private person goes there, and the shopkeeper in the village refuses to serve him or give him food, what is the provision in the law to show that he is not a free master to give or not to give food?

The other illustration to which reference was made by my friend, Mr. Dutt, was the one mentioned by Raja Bahadur Krishnamachariar about putting a load on a washerman's back. With regard to that also, perhaps my Honourable friend has got no experience, and perhaps he himself is so good as never to get such services from washermen. But the Honourable Raja Bahadur Krishnamachariar was not in his seat to reply to my friend and to point out the inaccuracy of what he said. Now, coming directly to the point, I do not think conscientious District Officers who are present in this House would really deny how things are done in villages, and I might give for their benefit one or two illustrations and ask the Government to tell me whether those cases will come under customary service or not. If they would come, then certainly it would be a very harsh law that is going to be enacted. It is well known that when a District Officer or any such officer wants to encamp in a certain village, usually a *chowkidar*, who in certain places is called a *kotwal*, goes in advance and calls upon the village people to collect 20, 30 or 40 men to do work that night for the officer who is expected there to encamp. Now, these poor people are not licensed at all. They are free people. Supposing those people don't render the services demanded of them by the *chowkidar* for several reasons,—because sometimes these *chowkidars* ask these poor people to pitch tents at midnight or that certain other things should be done at odd hours of the day or night for the convenience of the big officer who is expected to encamp there the next day, or that they are directed to fetch water from long distances at all sorts of odd hours,—would such people be prosecuted under this law if the officer feels himself harassed? The next day another officer might want to go for a *shikar* and would require 100 men. Suppose they are not coming out, and the officer may say: "Oh, it is customary service and we have always been getting the services of these men for our pleasures".

Therefore, I submit, that by introducing the words "customary service," you make the meaning ambiguous. What I want is that the word should be properly and clearly defined. Even the dictionaries will not give a clear meaning of these words. Would the Magistrates ask the Honourable the Law Member every time to send down his interpretation of these words?

**The Honourable Sir Brojendra Mitter:** A little common sense will do.

**Mr. Lalchand Navalrai:** The Honourable the Law Member has given one or two illustrations in which also, I submit, there is very much common sense. In the first place, did not the Honourable the Law Member give us the example of a coolie not serving a public servant? Coolies are licensed, and certainly there is a punishment, provided if

[Mr. Latchand Navalrai.]

these licensed coolies fail to do their duty, by their dismissal, but suppose a public servant returns from leave and he asks a coolie at the Delhi station to take his luggage and the coolie refuses to take it, will that coolie come under this clause? The clause is too wide, it could be applied to anything at the mere whim and fancy of the public servant, and I, therefore, support this amendment.

**Mr. Arthur Moore** (Bengal: European): My Honourable friend, Mr. Mitra, has convinced me that there is not very much substance in this amendment, because of the instance which he took. He held out before us a prospect, alarming or dazzling according to taste, of free shaves for public servants. He talked about foolish officers, but I doubt if any officer would be so foolish as to compel a boycotting and disobedient barber, however civilly disobedient, to shave him (Laughter), or would submit his chin into his hands. (Laughter.)

**Sardar Sant Singh:** Enough has been said to explain the absurd conclusions to which this particular portion of the clause will lead us. I am not going to add any illustration of mine to the numerous illustrations that have been given in this House, but I want to say a few words on the situation that will arise if this particular provision were allowed to remain in the clause itself.

In the first place, the present Government, who are in charge of this Bill, know fully well that they are not responsible to the people and the people, even if they are exasperated by such foolish and absurd provisions in the penal law of the country, will have no power to turn them out of office. In any responsible country they will find themselves out of office if such absurd provision, as the rendering of customary service being made obligatory, is proposed. It is claimed that such a provision is necessary to safeguard the coming democratic constitution. I submit that it will be a negation of democracy if such provisions are needed in those times. Here, phrases are used in vague, undefined terms without having any clear meaning. For what purpose? To penalise the public later on. It is said that they have provided ample safeguards against the aggrieved person instituting proceedings recklessly, and requiring the proof of intention to harass. These are very good safeguards if the other party has to be heard before the proceedings are instituted. There may be numerous cases in which the vanity of a public servant, the prestige which he thinks attaches to his office, may lead him to harass the people, and the atmosphere prevailing in the particular area will be the deciding factor whether a particular prosecution is to be launched or not. Especially in these days when the atmosphere is vitiated, when an attempt is being made to clear the atmosphere, such a provision is sure to provide a handle of oppression in the hands of the public servant. We know that our strength here is weak and we cannot defeat the Government by our votes. But the Government themselves have a duty towards the administration. Do they think that by demanding customary services they will be improving the situation in the country? Are they going to introduce semi-slavery in India? What is it, if it is not slavery, to be asked, to render customary service whether I will it or not, simply because a particular individual will be harassed by my refusal? I suggest that

there is a certain limit to decency, and this provision goes beyond that limit. I will say, if you want the smooth running of the administration, you should think twice before you commit yourself to any such provision.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): I am very sorry to find that no Honourable Member who has given support to this wording "customary service" has come out with a proper definition of the phrase "customary service". All those who have laid stress on the word "customary" have given the miss on the word "service", and all those who have laid stress on the word "service", have given the miss on the word "customary". The only explanation that has been tried on the other side of the House, was when an Honourable Member sitting opposite me said that a hotel keeper who has refused to supply food to a Government servant would come under this clause as he failed in doing his duty by rendering the customary service of supplying food. I would respectfully ask the Law Member or any other Member on that side of House to say whether a hotel keeper who is bound to supply food for a certain payment could come under the term "customary service"? Is it customary service? (Mr. Muhammad Yamin Khan: "That comes up under 'deal with'." "That comes under 'deal with'." "because it is a business proposition. There you pay a certain amount and the man is bound to give you food, and when a hotel keeper keeps a hotel, he tells the world: "Here I keep a hotel. Come whoever may like. You pay so much, and I give you food." If a discrimination is made against a Government servant, it would come under another part of the clause and it is absurd to suggest. . . . .

**Mr. G. S. Dutt:** On a point of personal explanation. Sir, I said that it would presumably come either under "deal with" if not under "customary service".

**Mr. B. Sitaramaraju:** I am very glad to hear the Honourable gentleman's explanation, and I shall be more glad still if he would confine himself to the first alternative and realise that it is not a customary service. Sir, what exactly is customary service? It must be first a service, and then that service must be based on a custom. When my Honourable friend, Mr. Mitra, tried to draw the attention of the Government to the fact that he himself was not able to discover what customary service was at the back of the mind of the Government when they talked of customary service, he gave us, by way of illustration, a customary service that is rendered to landlords. A barber or a washerman is bound to render service, and that was and is in several villages, in lieu of the rent he is obliged to pay. That is a customary service which my Honourable friend, the Leader of the European Group, has given the miss when he attacked Mr. Mitra on that point. We want to know whether a similar corresponding duty exists on the part of any section of the public to the Government servant, that simply because he is a Government servant, the public are bound to render a particular service, and that that service is based on custom? I am sorry to say that nobody has explained this matter from the other side of the House. They are feeling shy about it and I think the reason is very simple, because there is no such thing as customary service to a public servant as such. Unless the Government come forward with a clear definition of the term "customary service", it is very difficult for us to accept a provision like this about which we do not know anything. With these words, I support the amendment.

**The Honourable Mr. H. G. Haig:** Complaint has been made that the term "customary service" is ambiguous. I submit that, as a matter of fact, customary services are well known. In the first place, I would reassure my Honourable friend, Mr. Mitra, that I do not include in them the giving of a *saluam*. I regard a service as something of material benefit and I cannot include in that an empty compliment. This is a problem really of village life. In the villages, as Honourable Members are aware, there are certain village servants who in return for it, may be land or remuneration of some other kind, are bound to perform certain essential services for the people of the village. Now, the particular feature of those services is that they really cannot be performed by anybody else. In the village, unless you get those regular village servants to perform this service, which is an essential service, you cannot get it performed at all. You cannot really live in the village. That is what we have in mind and it is perfectly well known what those services are. Certainly in the province with which I am acquainted, in every village, there is a record of rights in which these things are defined. There is no ambiguity about it.

**Mr. Lalchand Navalrai:** May I interrupt the Honourable Member. Is this clause restricted to such example as the Honourable Member gives?

**The Honourable Mr. H. G. Haig:** The clause refers to customary service and I am explaining what customary service means. It has been urged that even if these services are performed for the inhabitants of a village, it is not reasonable that they should be performed for anybody else. That is not a contention that I can accept. The question of payment is a different matter. It may well be that certain customary services are in fact paid for by touring officers. In the United Provinces, that certainly is the case. When an officer goes on tour, it is a custom that grass for the tents, pottery, and so on, are supplied, but they are paid for. Now, I think my Honourable friend, Sardar Sant Singh, lashed himself unnecessarily into a fury over this matter. After all, if certain village servants habitually perform certain duties, and that is in fact their main occupation in life, how does it become slavery if they perform those same duties for Government officers. I think my Honourable friend must have a very weak case if he depends on such patent exaggeration as to call that slavery. I think, Sir, I have said enough to establish the fact that this matter of customary services is in the villages a matter of great importance, and that we must protect our Government servants against the boycott which denies to them these essentials of life.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, the words 'or to render any customary service to such public servant or any member of his family' be omitted.

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill, the words 'or any member of his family' be omitted.

Having failed to carry the motion about customary services, I would now like to restrict it to public servants only. In the definition of a public servant in this Bill, the scope has been very much widened. Not only the

public servants themselves, but every member of their family is also entitled to receive these various privileges that one can reasonably expect in hard cases for a public servant to be extended to him. I do not know how it will at all be possible for people to know who are the members of the family of a public servant. One can imagine the hardship to a public servant, supposing that there is so much influence of the Congress in the country that public servants cannot even get a piece of land to pitch their tents. But why should the same privilege be extended to every member of their family? I know that Congress is against social boycott.

**The Honourable Mr. H. G. Haig:** Since when?

**Mr. S. C. Mitra:** Mahatma Gandhi has repeatedly said that it is against the principle of non-violence to bring social pressure to bear upon anybody. So these are really imaginary cases. I find no justification for extending this privilege to every member of the family of a public servant, I think that it is going too far. Therefore, I propose this amendment.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): This clause 4 of the Bill is really wonderful. The more I read this clause, the more I am wonderstruck at the extraordinary sweep of the imagination of the framers of this Bill. I am really thankful that God in His infinite mercy has spared us and arrested the wonderful flight of imagination of the framers of this Bill after it had travelled from public servant to the members of his family and stopped there and not added "and his acquaintances". If that had been done, there is absolutely no doubt that the circle would have been complete and logically it would have become perfect and Government would have been able to pass it in this Assembly constituted as it is.

I doubt if Government fully realise the implications of what they have framed here. They have provided here:

"Whoever.....refuses to deal with, or to let on reasonable rent a house usually let for rent.....to such public servant or any member of his family, on the terms on which such things would be done in the ordinary course.....shall be punished, etc."

Now, what is a public servant? Is a *chaprassi* of a Government office or of a municipal body a public servant or not a public servant? I

**4 P.M.** hope, the Honourable the Law Member will admit, that reading the *Explanation* to clause 3, where a public servant includes the servant of a local authority or of a railway administration or an employee of a public utility service, that such an employee is a public servant. Now, is there any rule which forbids the recruitment of all sorts of people for the public services? The brother of a public woman is employed as a public servant, I know of such a *chaprassi* in a certain office. Do the Government realise what is meant by adding the words "or the members of his family"? I am perfectly aware that the Government's intention is only to make penal things done to harass a public servant in good faith. But what is the use of using such loose phraseology in an enactment which is liable to be interpreted and used in most objectionable ways? I will not pursue the subject further, but I will only say that the framers of the Bill have not realised fully the meaning and significance of the words that they have used in this clause. Ordinarily, a public servant is a very estimable man, but he may have, as a member of his family, a profligate person. Now, a man who would not agree to let his house to that profligate person—he would be quite willing to

[Diwan Bahadur Harbilas Sarda.]

let that house to the public servant himself, who is an estimable person—comes within the purview of this clause. Now, Government have to some extent made themselves responsible for the public conduct of a public servant. The Government Servants' Conduct Rules lay down certain things. But have Government also made themselves responsible for the conduct of all the members of the family of a public servant in India? Therefore, I say, that the addition of the words "any member of his family" is not only superfluous, but mischievous.

**Mr. K. P. Thampan:** I have also given notice of a similar amendment. Sir, I only want that the Honourable the Home Member should realise that families consisting of between 50 to 200 members are not rare at any rate in my part of the province of Madras and to what extent this privilege is capable of being abused. I can quote several names of families with more than 300 members easily. I will illustrate my point. Well, some of the Malayalis employed in the Secretariat here have got large number of relations residing in their families in Malabar. Now, suppose, one of the members of a clerk's family does not get certain customary services done. Even if these are refused for very good reasons, this particular clerk can complain that it was done with the intention of harassing him in his duties here. The idea is not far fetched. Sir, it can easily be seen that the implications, in view of the fact that a Hindu's family often consists of large numbers of people, are serious, and I would earnestly appeal to the Honourable Member in charge of the Bill to consider all these aspects and accept the amendment.

**Mr. Gaya Prasad Singh:** Sir, I should like to understand the real scope and significance of the whole clause as it is drafted. I understand that the expression "a public servant or any member of his family" is not meant to apply only to customary services, but it governs the whole of this clause.

"Whoever, with intent \* \* \* refuses to deal with, or to let on reasonable rent a house usually let for hire."

Now, the phrase "a house usually let for hire" for instance governs a public servant as well as any member of his family. I should like to understand this point. If this clause is intended to stand like this, I should like to give just one or two illustrations to find out how in actual practice the clause will work. For instance, a public servant is employed in Delhi. It may of course be conceded that he should be accommodated properly in order to be in a position to discharge his duties efficiently. Now, suppose he has got a brother elsewhere, say in Simla, who is not a public servant, and another member of his family residing in some other place. Will this clause operate in favour of those relations of his family who are not living with him, but are residing elsewhere? This public servant, for instance, might complain that he is being harassed in the discharge of his duties, because his brother or some other relation elsewhere does not find suitable accommodation for himself, or finds that customary services are not being rendered to those members of his family who are elsewhere. If my assumption is correct, then the scope of the clause becomes a very dangerous one, and I must warn Honourable Members that they must think twice before they give their sanction to a clause of such

dangerous possibilities. If, on the other hand, it is intended to restrict the scope of this clause only to the cases of members of families of public servants who are residing with the latter in a particular place, that intention ought to be made clear by the addition of suitable words. Sir, with these few words I should like my Honourable friend to explain the exact scope of this clause.

**The Honourable Mr. H. G. Haig:** Sir, before I come to the point raised by the Honourable Member who has just sat down, I should like to deal with the points mentioned by my Honourable friend, Mr. Mitra. He assured us that it was not the policy of the Congress to encourage social boycott, and I ventured to interject the question, "Since when"? The reason why I made that interjection was that I have here a published Resolution of the All-India Congress Working Committee held at Allahabad on the 27th June, 1930, at the height of the first civil disobedience movement. Resolution 4 reads:

"The Committee calls upon the people to organise and enforce a strict social boycott of all Government officials."

Well, Sir, I think that establishes my position. That is the evil against which we are required to guard. Now, Sir, it is well known that in practising this boycott it is common, if possible, to strike a Government servant not directly, but through his family. And I would ask the House to remember that there is this peculiar feature about the life of Government servants that very often, owing to the conditions of their service, they are inevitably separated from their families. The families are left behind perhaps in the village while they are posted elsewhere. In cases like that, it seems to be most essential that the wife and the children should be protected from being given notice to leave the house or from being denied supplies or the customary services that we have heard about if the object of that denial is to influence, as it will influence very powerfully, the Government servant who is serving elsewhere. I think that provides a very full justification for including the members of the family. With regard to the working of the clause, I must at the risk of being tedious, once more emphasise that there can be no offence unless the intention is proved. Now, that, I think, affords a sufficient answer to the suggestion of my Honourable friend, Mr. Thampan. He said that there are very large families in this country which, I understand, extend to about 500 and that it might well be that too great a protection was being extended to these 500 persons on the basis of the one Government servant. I would suggest that when you have a family of 500 persons, the relations of all of them are not very close; consequently it would be exceedingly difficult to prove that because a house is not let to the five-hundredth relation, that refusal is in any way connected with the public duties of the Government servant.

Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, the words 'or any member of his family' be omitted."

The motion was negatived.



**Mr. S. C. Sen:** Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill, after the words 'or any member of his family' the words 'living with him' be inserted."

Notwithstanding the speech made by the Honourable the Home Member, I persist in moving this amendment. The illustration given by the Home Member is that a public servant may have to go from place to place and, therefore, the members of his family should be protected exactly in the same manner as the public servant himself would be. Now, Sir, that explanation does not take into consideration the fact that while a public servant may not have any permanent place of residence, his family would have been living permanently and, consequently, they would not in that place ordinarily require the same services as are to be rendered to the public servant under this clause. Such services would be required by the public servant himself who goes to the outside stations where he has no fixed place of residence. In these circumstances, if the family of a public servant who may live scattered all over the country, and they are entitled to the benefit of the services provided for in this clause, life would become intolerable. Therefore, I move my amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

"That in sub-clause (1) of clause 4 of the Bill, after the words 'or any member of his family' the words 'living with him' be inserted."

**Mr. Gaya Prasad Singh:** I beg to support this amendment. It was with the precise object of finding out the scope of this sub-clause that I gave an illustration with regard to the former amendment, but from the reply of the Honourable the Home Member it appears that the fear which I then entertained has come true. In other words, all the members of the family of a public servant, wherever they reside, are sought to be protected under the provisions of this sub-clause. I will give you an example. A public servant is stationed in Delhi where he must secure his accommodation and all the amenities of life in order to ensure an effective discharge of his duties. He has got a member of his family, a brother, not an official, working in Simla; another working in Calcutta, and so on. Is it the intention of Government to provide all these facilities for every member of his family in whatever different places they reside? My Honourable friend has reiterated, times without number, that the intention to harass a public servant must be proved. Now, Sir, this expression, in the first place, is very indefinite, and it will be very difficult in political cases for an ordinary Magistrate to acquit an accused person who is charged with the offence under this clause. Sir, so long as the system of judicial and executive functions is combined in the same officer, it is very difficult in political cases for an average officer to weigh with niceties the complexities of the case, or to be altogether free from political bias; and, under these circumstances, it is very doubtful whether proper justice would be done in a case of that nature. Therefore, it is only proper that the words, which my friend who has just moved the amendment to be inserted be inserted in the place where he wants them. It is paying too high a compliment to the Indian National Congress if it is seriously contended that all over the country it will have such a network of organisations that it will be difficult for the members of the families of public officers to live

peacefully, because they will be boycotted effectively and, therefore, these drastic provisions of the law would be necessary. The claim of the Government is that they had almost succeeded in scotching the activities of the National Congress. At one time they claim that their Ordinances, which had been at work, succeeded in achieving their object to a great extent. But when it comes to the provisions of the Bill, some of which are very comprehensive and drastic, which they are going to enact into law, one is bound to come to the conclusion that they are very apprehensive of the immense power of the Indian National Congress. I would, therefore, like to curb the scope of mischief of this clause by limiting it to the case of those members of the family of a public servant who live with him.

**Mr. Amar Nath Dutt:** Sir, after hearing the Honourable the Home Member about the scope of this clause as elicited by the enquiry of my Honourable friend, Mr. Gaya Prasad Singh, I find that instead of enacting all these clauses and instead of our attempting to have certain words changed here and there, it seems to me the intention of the Government is to have very comprehensive power to harass anybody they like. As my Honourable friend, Mr. Thampan, observed, a family may be found in his part of the country consisting of 500 members. But let us confine the meaning of the word "family" to eight or ten persons. Is it not possible for the Honourable the Home Member to have some provision in the clause, as suggested by the Honourable the Mover of the amendment, so that the word "family" may be defined to include persons within certain limits. We know people will have to get judicial interpretation of these words, and who knows what interpretation they will put to the word "family"? In fact, I was thinking why Government should not bring forward a Bill to the effect that whatever a Government servant wants to do he can do, and whatever may be his orders, every one must obey, and no action will lie against him and people disobeying his orders shall be liable to such punishment as the Government servant desires. Have a simple Bill like this and it would be quite sufficient, and it would not have been necessary for us to sit from eleven o'clock till five every day and discussing clause by clause without any chance of carrying any of our amendments and without being able to convince the other side about the necessity of the amendments. Even if the Honourable the Home Member does not accede to the reasonableness of a very moderate amendment moved by a very moderate politician—belonging to the same school of moderate politics as my Honourable friend, the Law Member—if the Honourable Member does not see his way to accept an amendment like this, I think it were better that we were not here. Lest by our going out, it should be said that we are staging a walk-out, I do not suggest that. Probably the Government too do not like that. That being so, I would ask the Government to have a simple Bill as I suggest, namely, that nothing is an offence for a Government servant to do, and everybody should do whatever a Government servant orders and, on failure to do so, the individual defaulting shall be punished with death or transportation for life, or imprisonment, or fine, or both. Such a simple Bill containing a single provision like the one suggested would be sufficient. If the Government want really to listen to our reasonable requests, then they should accept our reasonable amendments, as the one put forward by my Honourable friend, Mr. Sen. That being so, I want the Government to let us know once for all whether they want to hear our views. There may

[Mr. Amar Nath Dutt.]

be difference of views on certain matters, it may be that the non-official Members on this side of the House want certain amendments which the Government consider unreasonable, but to oppose every amendment with the help of that awful book which my Honourable friend, the Law Member, often cites, I am tempted to eat, as I would do, the fish of that name, as suggested by my Honourable friend, Mr. Ranga Iyer, but, surely, in this long list of 195 amendments, there must be some which might be acceptable and if the Government are not willing to accept even moderate and reasonable amendments, let them say: "You had better all leave the House, we will pass the Bill as we like".

**The Honourable Mr. H. G. Haig:** I am afraid that, in spite of the appeal from my Honourable friend, Mr. Amar Nath Dutt, I cannot agree with him that this is a reasonable amendment, nor am I prepared to surrender my judgment even though it is represented that this amendment is put forward by an Honourable Member of exceedingly reasonable and moderate views. I am very well acquainted with the views and with the moderate and reasonable arguments of Mr. Sen. I have had the pleasure of sitting with him in the Select Committee for a fortnight. We discussed these points very thoroughly and I think he would be the first to admit that we did examine all the suggestions put before us very carefully and, that, in very many cases whenever we felt it was possible, we did meet him by accepting those suggestions. But there were other cases in which we could not meet him and I would ask the House to remember when these 195 amendments are being discussed, that these are not amendments on the original Bill, but they are amendments to a Bill which has already been very extensively amended as a result of the most careful examination. So much for the general point.

Now, Sir, I have already dealt, in my reply to the previous amendment with the point at issue in this amendment and have explained, I hope clearly, why it is not possible for Government to agree to the omission of these words. It is, I think, a peculiarly cowardly and mean form of attack on Government servants, this system of boycotting their families, and we could certainly do nothing which would allow that kind of procedure to continue. So far as concerns the point, that you might have some remote relative living in some remote part of the country who wanted to obtain a house or something of that sort, I would suggest that the less near the relative, the less possibility is there of the Court holding that an act done to him has any relation to the public duties of the Government servant. In fact, it appeared to me that my Honourable friend, Mr. Gaya Prasad Singh, practically admitted that there is not much wrong with the drafting of this clause when he had to fall back upon the argument that of course Courts are unreliable. Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, after the words 'or any member of his family' the words 'living with him' be inserted."

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

"That in sub-clause (1) of clause 4 of the Bill, the words 'or withholds from such person or his family such medical services as he would ordinarily render' be omitted."

Sir, I should like to make it perfectly clear that it is not my intention to deprive public servants, nay, anybody of medical aid when they are in need of the same. My purpose in moving this amendment is that it is useless to have a clause like this and I want that there should be no invidious distinction about medical profession alone. I think my Honourable friend, Dr. Dalal, will support me when I say that it is the moral code of the medical profession not to refuse any patient a visit when there is any urgent need for it. It is professional etiquette for any medical man not to refuse a call and I do not think even the Congress ever dreamt of going so far as to suggest that public servants or anybody else should be deprived of medical aid. I remember Sir Muhammad Yakub's heart was bleeding when he thought of the plight of public servants in villages not getting any medical aid. But he should not forget the public at large in India who live in villages. How many hospitals, dispensaries, doctors and midwives are they having? Almost the whole of India, except a few towns and sub-divisions, is bereft of all medical aid. He should not have forgotten this fact, when he was making that pathetic appeal. It seems as if the duty of this Government is only to enact coercive laws and to look after their public servants. The other bigger questions do not matter. That is one reason why I say that this is an unnecessary provision. Why should you make a distinction and cast an indirect slur on the medical profession when there are no instances anywhere in India that medical aid when available was denied to any man, whether a public servant or otherwise.

Sir, I move.

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, this point was argued in the Select Committee. The original intention was to put "professional services" which would include services rendered by two classes of people, lawyers and medical men. The mention of the legal profession was thought unnecessary as no Government servant would like to have advice from a lawyer who was unwilling to give it. So there remained the question of medical service. The point that Mr. Mitra put was considered when this clause was amended in its present form and it was argued that no medical man would ever refuse his services to any one, whether a public servant or not. But, to our great regret, we found several instances where it did happen and that was responsible for the insertion of this clause. It was brought to our notice that the services of midwives have been in some cases refused to wives of public servants who were in confinement, in places where no other service was available. So the Select Committee, when this was brought to their notice, had no other option but to insert this provision, and I think my Honourable friend will be well-advised if he withdraws this motion.

**Sardar Sant Singh:** Sir, the scene is shifting. From customary service we are now coming to technical service. You can take a horse to the water, but you cannot make him drink; and I ask, in all seriousness, what legal pressure will compel a scientific man to use his scientific knowledge if he is not willing to use it for that purpose? The services

[Sardar Sant Singh.]

ordinarily rendered by individuals may be forced by threat or any other means. But if you take an unwilling medical man to look after a patient, will he be cool enough to count his pulse or to see the beatings of the heart or do anything else which would help him to diagnose the disease? Simply because a particular midwife refused to attend a particular case in a particular village, the Government want to enact penal provisions for the whole of India. I am simply surprised at the imagination which is running wild in this Bill and I will certainly say that by these provisions you will not be able to bring round the people. It is by sympathy, co-operation, confidence and trust alone that Governments are run. I submit, therefore, that the provision is mischievous and unnecessary.

**Mr. B. V. Jadhav:** Sir, I rise to support this amendment. My Honourable friend, Mr. Yamin Khan, has opposed this amendment on the ground that in one solitary case a midwife refused to attend the wife of a Government servant. But I have great doubts whether the services of a midwife can be called medical service. In the villages, there are the *dhais* who attend upon women when they are in the family way, but it is well known that they have not got any knowledge of nursing or of midwifery and many a time their attendance is a nuisance and is more harmful than beneficial. Sardar Sant Singh has explained to us that it will be not only useless, but even dangerous if unwilling people are forced to render medical service; and I have also to say the same thing that this provision will be more harmful to public servants whom Government want to protect than helpful or beneficial to them. As a matter of fact, most of these public servants, who want protection or to whom protection is desired to be given by Government, do not require that protection at all. And no medical man of any importance has ever refused medical assistance; and if services had been refused by village *dhais*, then I think instead of the words "medical service", the words "*dhais* service" should have been used here. Why traduce the whole class of medical men who have been all right in the conduct of their profession and who have been very useful to all persons in need of their help whether they be Government servants or not? I, therefore, support this amendment.

**Mr. Amar Nath Dutt:** Sir, the very reasons which my friend, Mr. Yamin Khan, assigns for not compelling professional men like lawyers to accept briefs from men who are to be boycotted, also apply in the case of medical men. He says that nobody would trust a brief to a lawyer who will not wholeheartedly work. The same case may be with a medical man. In a case of fracture, a medical man is called and he gives quinine, to prevent fever or something of that sort. Will you accept such services? I think the retention of these words in the clause will not redound to the credit of the Honourable Member's intelligence, and does not bespeak of their wisdom when they want to force such unwilling medical assistance upon Government servants.

As regards the case of *dhais*, my experience is that these midwives are generally Government servants themselves and it is only outside citizens who do not get the services of these midwives when they want them. It often happens in mufassil towns, and any one with experience of mufassil

towns will bear me out that those officers who sit smilingly over there and for whose protection the heart of the Home Member bleeds, have the first claim on their services and that, as a matter of fact, it is the outside people who need protection rather than the class of people for whom this Bill seeks to provide unwilling medical aid. Such attempts will be rather injurious, and it is to their interest that this amendment should be accepted.

My friend, Mr. Moore, is not here—but I think he gave out that he would not have himself shaved by a man whom he suspected to be a Congressman. I do not know whether amongst barbers there are any Congressmen. Of course I have had no connection with the Congress for some time past although I am the oldest Congressman in the House and my family has been identified with the Congress movement almost from its very inception, namely, from the year 1886, from the time of my grandfather, but since 1928, I have not attended any Congress nor have I had anything to do with it and I am not in sympathy with their present day programme; but, at the same time, I think we cannot deny them protection, simply because in the field of politics they think otherwise than we ourselves. That being so, the medical men are also entitled to protection, and, if they refuse to serve anybody, I think we should not come down upon them with any punishment. Much has been said about boycotting, a word, which came into vogue in the early eighties of the past century. Be that as it may, I beg to submit that social boycott and other things, as has been said, are things which ought to be left to individuals alone. It may be that one individual whom you may consider very estimable, I may consider as unworthy of association. My friend, Mr. Sen, would like to sit with me while the Home Member would like to shun my company. Should the Honourable the Home Member be compelled to associate with me? The citizens have a right to choose their associates and you cannot compel people to associate with people with whom they do not like to associate. If you compel Raja Bahadur Krishnamachariar to dine with the Honourable gentleman who sits by his side, *viz.*, Sir Joseph Bhore or Sir Brojendra Mitter, he will certainly resent it as an interference with his religious tenets. That being so, I submit, that in your own interests you ought not to have these words in the clause.

**The Honourable Mr. H. G. Haig:** Sir, I feel that this is a necessary provision. After all, the object of this clause is to secure, as far as may be, that Government servants are not in pursuance of certain political activities deprived of what we regard as the essential services of life; and, among those, surely we may include medical treatment in sickness. It has been said that it is no use compelling a doctor to go and attend a patient when he is unwilling to do so. But there are two points I wish to make about that. In the first place, we are dealing with a movement which exercises its influence to a large extent by intimidation. It may very often not be the case that the *dhai*, or whoever it may be, is herself unwilling to go, but she is afraid of the Congress. In these cases we provide another form of fear which may prevail over the fear of the Congress. In the second place, I would suggest that when a medical man is in the presence of disease or suffering, the feelings of common humanity will prevail and he will not in fact then withhold his services. Sir, I oppose the motion.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, the words 'or withholds from such person or his family such medical services as he would ordinarily render' be omitted."

The motion was negatived.

**The Honourable Sir Brojendra Mitter**: Sir, I beg to move:

"That in sub-clause (1) of clause 4 of the Bill, for the word 'three' the word 'six' be substituted."

I need not take the time of the House with a speech. We consider that three months is much too short and it ought to be six.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

"That in sub-clause (1) of clause 4 of the Bill, for the word 'three' the word 'six' be substituted."

**Mr. S. C. Mitra**: Sir, I oppose this motion. It seems that, now that Government are convinced of their voting strength, they are trying to enhance the period of imprisonment in some of these clauses. The Select Committee, in their wisdom, I think with the votes of people who are persistently against the imposition of heavy sentences, accepted three months, and, therefore, there is no reason why there should be such a heavy sentence as six months as suggested by Government for this almost newly created technical offence. Sir, I oppose this amendment.

**Sir Muhammad Yakub**: Sir, I am sorry I am unable to see eye to eye with the Honourable the Law Member on this question. (Applause from the Nationalist Benches.) In fixing the period of sentence, for an offence, latitude is given to presiding officers to award punishment according to the circumstances of the case. But the clause under discussion is of a quite different nature. In this clause we have to deal with offences committed on a public servant, and, therefore, an element of personal interest comes in this offence, and naturally the presiding officer, being a human being, his sympathies will always go to the complainant in such cases and he will always award the maximum sentence. Therefore, it is not right that the presiding officer should be given the option to give a deterrent sentence in these cases. After all, it is a deterrent measure, and it has been admitted by the Honourable the Home Member himself that it is difficult to draw up a clause which may be very precise and exact in language. I, therefore, submit that it is not right for the Government to insist that such harsh and deterrent sentence should be given in such cases. For these reasons, I oppose the amendment.

**Mr. S. G. Jog** (Berar Representative): Sir, it is really a very rare phenomenon that I am rising to support my friend, Sir Muhammad Yakub. I hope occasions like this will arise more often and it will cease to be a rare phenomenon. Sir, when this clause came before the Select Committee, we, after a long discussion, came to the conclusion that the

period of six months which was in the original Bill should be reduced to three months, and, after a long discussion and looking to the petty nature of the offence and other circumstances, we decided that three months should be quite sufficient to meet all the cases. Probably having seen the weakness of this side, the Honourable the Law Member has made himself bold to come forward with this amendment in order to gain what he lost in the Select Committee. Sir, I strongly oppose this motion not merely on its merits, but I consider it as an insult to the Members of the Select Committee. After a long discussion on the general principle, we agreed to the period of three months imprisonment, and I for one would discourage any attempt that is now made to get over what we succeeded in achieving in the Select Committee. I entirely oppose the motion.

**Mr. Nabakumar Sing Dudhoria** (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I oppose the amendment which has been proposed by the Honourable the Law Member. While I own that the purpose of punishment is correction and should be deterrent in its effect, I would also contend, at the same time, that it should not be vindictive in any way. But to extend the term of imprisonment, from three months to six, would in fact make it so. If three months will not be sufficiently deterrent and corrective, six months would hardly improve the result. A Legislature should not be justified in bringing in any measure which can be construed as vindictive on any interpretation, especially in the matter of a legislation of this character. We should be satisfied with three months imprisonment and refuse to admit six months in its place. With these words, I oppose the amendment.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadan Rural): Sir, I am really surprised that the Honourable the Law Member or I might perhaps mention the name of the Honourable the Home Member . . . .

**Sir Muhammad Yakub:** The Honourable the Law Member is going to withdraw his amendment.

**Pandit Satyendra Nath Sen:** Is he really going to withdraw it?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I understand that Government do not wish to press this amendment. (Applause from the Nationalist Benches.)

**The Honourable Mr. H. G. Haig:** Sir, I should like to say one word about the general position of Government in reply to what was said by my friend, Mr. Jog. As far as I understood him, he suggested that while it was open to him and his side to move 195 amendments on the Bill, as reported by the Select Committee, it was a scandalous thing for the Government to move even one. That is a position that I certainly cannot accept. So far as we are concerned, we do consider that six months is a reasonable period of imprisonment for this offence, but we do not wish to press this against the views of other Honourable Members, and, therefore, we are prepared to withdraw this amendment.



**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I take it that the Honourable the Law Member wishes to ask the leave of the House to withdraw the amendment.

**The Honourable Sir Brojendra Mitter**: Yes, Sir; I ask the leave of the House to withdraw the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Is it the pleasure of the House to give leave to the Honourable Member to withdraw the amendment?

The amendment was, by leave of the Assembly, withdrawn.

**Mr. S. C. Mitra**: Thanks to Sir Muhammad Yakub.

The Assembly then adjourned till Eleven of the Clock on Monday, the 28th November, 1932.

# LEGISLATIVE ASSEMBLY.

*Monday, 28th November, 1932.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## MEMBER SWORN.

Mr. Bryce Chudleigh Burt, C.I.E., M.B.E., M.L.A. (Government of India: Nominated Official).

## QUESTIONS AND ANSWERS.

### PAUCITY OF MUSLIMS IN THE SUPERIOR TELEGRAPHS ENGINEERING BRANCH.

1424. \***Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): Has the attention of Government been drawn to Resolution No. 29, regarding the paucity of Muslims in the Superior Telegraphs Engineering Branch, appearing on page 23 of the *Postal Advocats* of April, 1932, passed at the annual conference of the Indian Posts and Telegraphs Muslim Union held on the 25th, 26th and 27th March, 1932, at Delhi, under the presidentship of Sir Abdullah Suhrawardy?

**The Honourable Sir Frank Noyce:** Government have seen the resolution.

### ALLOWANCES TO WITNESSES INVITED TO APPEAR BEFORE THE OTTAWA SPECIAL COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

1425. \***Mr. Lalchand Navalrai** (on behalf of Mr. Bhuput Sing): Will Government be pleased to state:

(a) whether travelling and daily allowances will be offered to the witnesses who have been specially invited to Delhi from different business centres for being examined by the Ottawa Special Committee of the Assembly; and

(b) if the answer to part (a) be in the affirmative, the estimated expenditure on this head?

**The Honourable Sir Joseph Bhoré:** (a) Yes.

(b) The expenditure will depend on the extent to which Government's offer is accepted, but if accepted by all the witnesses concerned, it will amount to approximately Rs. 870.

**REFUSAL TO COUNT AS HOURS OF DUTY THE TIME SPENT BY TRAVELLING SORTERS WHILE WORKING IN THE RECORD OFFICE.**

1426. \***Mr. K. P. Thampan** (on behalf of Mr. B. R. Puri): (a) Will Government be pleased to state whether it is a fact that the Director General of Posts and Telegraphs has refused to count as hours of duty the time spent by the travelling sorters while working in the record office?

(b) Will Government please state whether the time spent by the travelling sorters in giving and taking charge on the Railway platform is also not counted as hours of duty? If so, what are the reasons for it?

**Mr. T. Ryan:** The attention of the Honourable Member is invited to the reply given in this House to Mr. N. M. Joshi's starred question No. 970 on the 29th March, 1932.

**MARINE ENGINEERING EXAMINATION.**

1427. \***Mr. S. C. Mitra** (on behalf of Mr. B. Das): Will Government be pleased to state the number of candidates that sat for Marine Engineering Examination in this country during the last three years and the number of candidates who successfully secured their certificates of competency (a) as Second Engineers, and (b) as Chief Engineers giving separate figures for Indians and non-Indians appearing for the examination and obtaining their certificates of competency?

**The Honourable Sir Joseph Bhoré:** A statement giving the required information is laid on the table.

*Statement.*

		1st Class (Chief) Engineers.		Second Class Engineers.	
		No. of candidates who appeared.	No. of candidates who passed.	No. of candidates who appeared.	No. of candidates who passed.
1929	Indians . . . . .	8	1	14	3
	Non-Indians . . . . .	34	9	112	31
1930	Indians . . . . .	6	1	21	4
	Non-Indians . . . . .	39	9	64	17
1931	Indians . . . . .	5	..	5	2
	Non-Indians . . . . .	23	9	91	27

**DEARTH OF SUITABLE INDIAN MARINE ENGINEERS HOLDING CERTIFICATES OF COMPETENCY.**

1428. \***Mr. S. C. Mitra** (on behalf of Mr. B. Das): (a) Are Government aware that there is a dearth of suitable Indian Marine Engineers holding

certificates of competency both as Second Engineers or Chief Engineers in this country? If so, what steps do they propose to take to provide facilities for enabling Indian candidates to become Marine Engineers?

(b) Will Government be pleased to state if it is not a fact that the Indian Mercantile Marine Committee recommended nearly eight years ago that facilities should be provided for Indians becoming Marine Engineers as they considered it necessary for the development of Indian Shipping and that no steps have been taken to provide such facilities up to now in this country?

(c) Will Government be pleased to state how long it will take for them to formulate a scheme for providing facilities for giving training to Indians in Marine Engineering in this country?

(d) Will Government be pleased to state whether they propose to award further scholarships tenable in England for the training of Indians in Marine Engineering for the year 1933?

**The Honourable Sir Joseph Bhore:** (a) The answer to the first part of the question is in the affirmative. As regards the second part, as the Honourable Member is probably aware, the Government of India started a scheme for the training of Indians in Marine Engineering in the United Kingdom in 1929, and have so far granted nine State Scholarships each of the value of £240 a year. In view, however, of the need for economy in Central expenditure, no addition is being made to the number of scholars at present undergoing training.

(b) and (c) Yes; the question of providing the necessary facilities in India is, however, under the consideration of the Government of India, but in view of the additional recurring expenditure involved, a scheme cannot be brought into operation until the financial situation improves.

(d) No.

**PAYMENTS FOR PASSAGES TO MEMBERS OF THE VARIOUS SERVICES UNDER THE LEE CONCESSIONS.**

1429. **\*Mr. S. C. Mitra** (on behalf of Mr. B. Das): Will Government be pleased to state:

(a) the number of passages for which payments were made by them for enabling the members of the various services in going home under the Lee Concessions and other arrangements during the last five years, giving separate figures for each year, both for the number of passages for which payment was made and the total amount of payment made for these passages;

(b) the number of passages for which payments were made by them to enable delegates and advisers to go to the various International and other Conferences to London and elsewhere during the last five years, giving separate figures for each year, both for the number of passages paid for as well as the total amount of the passage money paid for these passages;

(c) the names of the Shipping Companies with which the passages referred to in parts (a) and (b) were booked, giving separate figures of the passages booked for each of the Shipping Companies year by year for the last five years?

**The Honourable Sir George Schuster:** (a), (b) and (c). Government regret that they are unable to furnish the detailed statistics asked for by the Honourable Member because of the undue amount of labour and expense that their collection would entail. From such information, however, as they have in their possession they can supply the total expenditure on Lee concession passages during the quinquennium ending 31st March, 1981. The total for India, Military and Civil, Central and Provincial, for the five years is Rs. 2½ crores of which Rs. 1½ crores represent passages of Civil and Army officers paid from Military estimates, Rs. ½ crore passages of Railway officers and nearly a crore passages of officers serving under Provincial Governments.

**PRIVATE REBATE OBTAINED BY GOVERNMENT ON PASSAGES BOOKED WITH THE PENINSULAR AND ORIENTAL COMPANY.**

1430. **\*Mr. S. C. Mitra** (on behalf of Mr. B. Das): Will Government be pleased to state if any private rebate is obtained by them on the passages booked by them with the P. & O. Company?

**The Honourable Sir George Schuster:** The arrangements between His Majesty's Government and various shipping companies, including the Peninsular and Oriental Steam Navigation Company are confidential and cannot be disclosed.

**VIEWS EXPRESSED AT THE RECENT OTTAWA CONFERENCE IN FAVOUR OF RESERVING THE IMPERIAL COASTING TRADE TO BRITISH-OWNED VESSELS.**

1431. **\*Mr. S. C. Mitra** (on behalf of Mr. B. Das): (a) Are Government aware that strong views were expressed at the recent Ottawa Conference in favour of reserving the Imperial coasting trade to British-owned vessels?

(b) Are Government also aware that no decision was arrived at on the subject, but that the matter was referred to a committee?

(c) If so, will Government be pleased to state what attitude did the Indian delegates adopt in connection with the subject?

(d) Have Government received any report from the Indian delegates in this connection and, if so, will they be pleased to lay it on the table?

**The Honourable Sir Joseph Bhore:** (a) and (b). So far as Government are aware, the question of reserving the Imperial coasting trade to British-owned vessels was not discussed at the Ottawa Conference.

(c) and (d). Do not arise.

**PROSPECTS OF EMPLOYMENT OF THE *ex*-"DUFFERIN" CADETS.**

1432. **\*Mr. S. C. Mitra** (on behalf of Mr. B. Das): (a) With reference to the reply given by Sir C. P. Ramaswami Aiyar to Mr. K. C. Neogy, will Government be pleased to state in what respect the prospects of employment of the *ex*-"Dufferin" cadets are affected by "the present abnormal depression in shipping" as stated therein?

(b) Will Government be pleased to state what tonnage engaged in the coastal trade of India, which would normally absorb the "Dufferin" cadets, has been laid up?

**The Honourable Sir Joseph Bhoré:** (a) Government consider that the uncertainty of the position in regard to the future employment of ex-"Dufferin" cadets arises largely from the fact that shipping companies are at the present time reluctant to commit themselves to a definite undertaking that they will continue to recruit officers at the same rate as in the past.

(b) Government have no information.

**Dr. Ziauddin Ahmad:** Is it not a fact that like the Prince of Wales Military College, Dehra Dun, the instruction in the Dufferin School does not include any instruction in technical subjects, and that the course of instruction covers only general subjects.

**The Honourable Sir Joseph Bhoré:** If my Honourable friend is seeking for information as regards the curriculum, I should be very glad if he would give me notice and I will get the information.

#### EXAMINATIONS OF THE DELHI UNIVERSITY.

1433. **\*Mr. B. N. Misra:** With reference to the answer to part (b) of unstarred question No. 15, dated the 5th September, 1932, by Mr. Gaya Prasad Singh, will Government please state if the system of compartmental examination for the B. A. and B. Sc. students in the Delhi University has been introduced? If so, what arrangements have been made for the examination of the 40 students who failed in one subject only in April last?

**Mr. G. S. Bajpai:** The reply to the first part of the question is in the negative. The matter is still under the consideration of the University authorities.

The second part of the question does not arise.

**Mr. B. N. Misra:** Will Government expedite the matter so that students who failed last year may benefit in the ensuing examination?

**Mr. G. S. Bajpai:** I understand that the University authorities are alive to the desirability of coming to an early decision.

#### SCHEME OF PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

1434. **\*Mr. Lalchand Navalrai** (on behalf of Mr. S. G. Jog): With reference to question No. 146, dated the 8th September, 1932, of Mr. Lalchand Navalrai, regarding the scheme of Provident Fund for Government employees, will Government be pleased to state:

(a) whether the Honourable Mr. Khaparde withdrew his Resolution in 1931 on account of the assurance given by Government that they would give effect to the scheme within one year; if so, why was it not given effect to; and

(b) whether it is a fact that Government are still doubtful about giving effect to the proposed scheme even before the end of this year?

**The Honourable Sir George Schuster:** (a) The Honourable Mr. Khaparde withdrew his Resolution on the assurance that within less than a year the Government of India would come to a decision.

(b) The Government of India have now come to a decision not to go on with the scheme,

**Mr. Lalchand Navalrai:** Is there any move to reduce or withdraw the provident fund which is being at present given to the families of the Imperial Services?

**The Honourable Sir George Schuster:** I am not aware of any discussion on the subject to which the Honourable Member refers.

**Mr. Lalchand Navalrai:** If the Government have decided not to introduce this provident fund, will they be pleased to create some other way of helping the families of deceased Government servants, who would otherwise be destitute?

**The Honourable Sir George Schuster:** I think the Honourable Member is fully aware of the facts. Government were unable to go on with any more generous scheme, because they were not in a position to afford the benefits. That is the present position.

**Mr. Lalchand Navalrai:** May I understand that it is only on account of want of funds that this provident fund scheme is not being introduced?

**The Honourable Sir George Schuster:** That certainly is the principal reason.

#### PROVIDENT FUND SCHEME FOR CURRENCY EMPLOYEES.

1435. **\*Mr. Lalchand Navalrai** (on behalf of Mr. S. G. Jog): (a) Will Government be pleased to state whether the following statements were made in the Assembly regarding the Provident Fund Scheme of Currency employees:

1. In 1924, "the scheme is beneficial and requires no consideration",
2. In 1925, "the whole question will be considered",
3. In 1926, "the question is under consideration",
4. In 1927, "the question is still under consideration",
5. In 1928, "the question has been postponed on account of the creation of Reserve Bank", and
6. In 1929, "the question is still under consideration and will try to expedite the matter"?

(b) If so, whether the question has now been fully considered and given effect to?

**The Honourable Sir George Schuster:** (a) Replies in the sense indicated by the Honourable Member have been given to questions asked in this House.

(b) The question has been under consideration but no new scheme has been introduced.

**PROVIDENT FUND SCHEME FOR CURRENCY EMPLOYEES.**

1436. \***Mr. Lalchand Navalrai** (on behalf of Mr. S. G. Jog): (a) Will Government be pleased to state whether the Currency employees were again offered in September, 1932, the same scheme which was rejected by the employees in 1929? If so, have they now accepted it?

(b) If the answer to the second part of the above be in the negative, will Government be pleased to state the main reasons for not accepting it?

(c) Do Government intend to increase the percentage of Government contribution to some extent?

**The Honourable Sir George Schuster:** (a) and (c). Since the Currency Associations in 1929 refused to accept the terms offered, the Contributory Provident Fund Rules (India), which are applicable to the generality of permanent non-pensionable Government servants in civil Departments, have been framed. The rate of contribution payable by Government under these rules is the same as that offered to Currency employees in 1929. Arrangements were made recently to obtain the views of the non-pensionable staff in the Currency offices but these have not yet reached Government.

(b) Does not arise.

**DIFFERENT RULES FOR ALLOTMENT OF GOVERNMENT QUARTERS TO CLERKS AT SIMLA AND NEW DELHI.**

1437. \***Mr. Lalchand Navalrai** (on behalf of Mr. S. G. Jog): (a) Is it a fact that there are two different rules for allotment of Government quarters to clerks at Simla and New Delhi, *viz.*, by juniority in pay in Simla and seniority in pay in New Delhi? If so, why?

(b) Do Government propose to alter the rules for such allotment in New Delhi, so as to bring them on the same lines as the rules in force in Simla?

(c) Are Government aware that under the rules at present in force in New Delhi the lower paid clerks, on account of the fact that they being juniors in the list, rarely get Government quarters for their accommodation after their seniors are provided for?

(d) Are Government also aware that as a result of the procedure mentioned in part (c) above, these lower paid clerks are forced to hire private houses for their accommodation on prohibitive rentals and are thus driven to a very miserable and wretched financial condition?

(e) Are Government prepared to redress these grievances of the lower paid clerks and afford them better facilities for accommodation than those given to the senior people?

**The Honourable Sir Frank Noyce:** (a) Yes. The allotment of Government quarters by seniority, as is the case in Delhi, is a reasonable basis of allotment. In Simla, however, the principle of giving preference in allotment to junior clerks has been in force for some years as it was held that they stood in the greatest need of relief in the matter of house accommodation at that station. If there were to be a revision of the rule, the Delhi rule would in all probability be applied to Simla.



(b) No.

(c) No; the Honourable Member is not, I think, aware that the quarters for clerks are divided into 5 classes.

(d) No.

(e) Government do not consider that lower paid clerks have any legitimate cause for grievance.

#### RESOLUTIONS PASSED BY THE DIFFERENT POSTAL UNIONS IN INDIA.

1438. \*Mr. M. Maswood Ahmad: (i) Has the attention of Government been drawn to the following resolutions passed by different Postal Unions in India:

"Resolved :

(a) That this emergent meeting of the Posts and Telegraphs Union Branch places on record the intense feeling of alarm and apprehension caused in the minds of the subordinate staff by the newspaper report that the Government is contemplating to continue the emergent cuts on the salaries of the subordinate staff even after 31st March, 1933, in violation of the assurance given by the Honourable the Finance Member while imposing the cuts, while the cuts on salaries on officers in Imperial Services are to be terminated on the expiry of that date.

(b) That this meeting earnestly implores the Director General and the Honourable Member, Industries and Labour, kindly to intercede on behalf of the poorly paid subordinate staff who have been more hard hit by the cuts on their slender pay and are in greater need of relief than highly paid officers and to strongly press the Honourable the Finance Member to terminate the cuts on their salaries after the 31st March, 1933, in fulfilment of the assurance given by him, if not immediately in consideration of the fact that their hardship has been accentuated by the rapid increase in the cost of living since the cuts were imposed.

(c) That this meeting expresses its considered opinion that the non-termination of the cuts on salaries of the subordinate staff after the 31st March, 1933, and any differential treatment as between the Imperial Service men and the subordinate staff in the matter will lead to deep and widespread discontent and seriously undermine the faith of the staff in the sense of justice and impartiality of the Government."

(ii) Will Government be pleased to state the correct position and the policy which they propose to follow after 31st March, 1933, in that connection?

The Honourable Sir Frank Noyce: I propose with your permission, Sir, to reply to questions Nos. 1438, 1439 and 1440 together. Government have seen the resolutions. The matters referred to therein are still under examination.

#### RESOLUTIONS PASSED BY THE DIFFERENT POSTAL UNIONS IN INDIA.

†1439. \*Mr. M. Maswood Ahmad: (i) Has the attention of Government been drawn to the following resolutions passed by different Postal Unions in India:

"Resolved :

(a) That in view of the fact that the present scales of pay for the various classes of the subordinate staff were fixed as a result of a laborious and sifting enquiry made by Sir B. N. Mitra, the then Member of Industries and Labour, with the approval of Sir Geoffrey Clarke, the then Director General of Posts and Telegraphs and of Mr. T. Ryan, C.I.E., the then Financial Adviser to the Department; and that they do not conform to the standard of 'living wage';

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†For answer to this question, see answer to question No. 1438.

(b) In view of the fact that in the opinion of financial experts and according to the forecast made by well-informed official circles, the present financial stringency of the Department will disappear with the improvement in trade depression and resultant restoration of traffic to its normal condition and, as a result of the adjustment of accounts as recommended by the Postal Accounts Committee before long and also as a result of economies effected by curtailment of unreasonable extravagance in other directions; and

(c) Also in view of the fact that any reduction of wages will, by reducing the purchasing power of the employees, hinder improvement of the trade depression :

This emergent meeting of the Posts and Telegraphs Union Branch enters its emphatic but respectful protest against any scheme of reduced scales of pay for future entrants to the Department and earnestly implores the Director-General and the Honourable Member, Industries and Labour, to oppose any such scheme."

(ii) Will Government be pleased to state the correct position and the policy they propose to follow in connection with the scheme of reduced scales of pay for future entrants mentioned in part (i) above?

#### RESOLUTIONS PASSED BY THE DIFFERENT POSTAL UNIONS IN INDIA.

†1440. \*Mr. M. Maswood Ahmad: (i) Has the attention of Government been drawn to the following resolution passed by different Postal Unions all over India :

"Resolved :

(a) That this emergent meeting of the Posts and Telegraphs Union Branch is seriously alarmed at the newspaper report that present incumbents in service will, on their promotion to higher scales or grades, be put on the reduced scales of pay to be fixed for future entrants and earnestly implores the Director-General to strongly oppose such a measure as it is inconsistent with the assurance he had given that the new rates of pay were intended only for future entrants to the Department and would not affect present incumbents.

(b) That present incumbents on their promotion should be put, as hitherto, on existing scales of the higher grades to which they will be promoted."

(ii) Will Government be pleased to state the correct position and the policy they propose to follow in connection with the measure mentioned in part (i)?

#### RESOLUTIONS PASSED BY THE DIFFERENT POSTAL UNIONS IN INDIA.

1441. \*Mr. M. Maswood Ahmad: (i) Has the attention of Government been drawn to the following resolution passed by different Postal Unions all over India :

"Resolved :

That this emergent meeting of the Posts and Telegraphs Union Branch, after a careful perusal of the revised rules for appointments, penalties and appeals for the subordinate staff in the Post Office and R. M. S. made by the Governor-General in Council, as published in Director-General's General Circular No. 25, dated the 29th August, 1932, expresses the considered opinion :

(a) That the revised rules were apparently made without taking into consideration the peculiar nature of the duties and responsibilities of the subordinate staff in the Post Office and R. M. S. involving, as they do, tremendous monetary responsibilities and demanding at every step the observance of a large body of rules and instructions issued by the Director-General of Posts and Telegraphs the slightest breach of which render them liable to severe penalties including degradation, stoppage of promotion, heavy fines and recoveries, suspension and removal and dismissal from service.

†For answer to this question, see answer to question No. 1438.

- (b) That in consideration of the peculiarly hard and exacting conditions of service which are calculated to render the tenure of service of members of the subordinate staff typically insecure, unlike other departments, the benign Government had provided safeguards in the shape of the old rules which by reasonable restrictions on the powers of Superintendents and First Class Postmasters to impose penalties on the one hand and by giving the utmost facilities of appeal right up to the Honourable the Secretary of State on the other provided salutary checks against miscarriage of justice.
- (c) That the Director-General being the author and consequently the only authoritative exponent of the rules and instructions that govern the subordinate staff in the Post Office and R. M. S., the withdrawal of their right of appeal to him will expose them to heavy penalties including removal and dismissal from service on incorrect interpretation of rules by officers subordinate to the Director-General.
- (d) That the revised rules by vesting Superintendents and First Class Postmasters with extraordinary powers of imposing penalties and by constituting Heads of Circles as the highest, appellate authorities for deciding appeals by selection grade officials against all penalties except removal and dismissal from service and by all classes of Postal and R. M. S. employees below selection grades against all penalties including removal and dismissal of service will deprive the subordinate staff of all safeguards against miscarriage of justice and thereby render their service entirely insecure especially when the conditions of their service will be rendered harder under the effects of Retrenchment.
- (e) That the revised rules by exposing the staff to constant dread of losing their service and being inflicted with heavy penalties with the channels of redress closed to them will cause serious demoralisation and deterioration of efficiency.
- (f) That in view of the above, this meeting enters its emphatic but respectful protest against the revised rules and earnestly implores the Director-General of Posts and Telegraphs and the Honourable Member, Industries and Labour, kindly to explain the grave apprehensions of the staff to the Government and advise them to restore the old rules of appointments, penalties and appeals of the subordinate staff that had worked so satisfactorily since the creation of the Department."
- (ii) Will Government be pleased to lay on the table a copy of the Director-General's Circular No. 25, dated the 29th August, 1932?
- (iii) Will Government be pleased to state the policy they propose to follow in connection with the matters mentioned in part (i)?

**The Honourable Sir Frank Noyce:** (i) Yes.

(ii) A copy of the Director General's Circular has been placed in the Library.

(iii) The matter is being further examined in the light of recent representations bearing on it.

#### DELAY IN THE DISPOSAL OF APPEALS BY THE PUNJAB POSTAL CIRCLE.

**1442. \*Mr. M. Maswood Ahmad:** (a) Is it a fact that cases are kept pending for years and years in the Punjab Postal Circle?

(b) Is it a fact that the Director General, Posts and Telegraphs, issued orders to the Post Master General, Punjab Circle, to decide cases without delay, but that there are still cases of appeals pending for two and three years?

**Mr. T. Ryan:** (a) No; though a few exceptional cases have occurred, in which the delay is not due to the departmental staff.

(b) The Director General has urged the Heads of all Circles including the Postmaster-General, Punjab, and some other administrative officers, to try to expedite the disposal of personal cases.

**Mr. M. Maswood Ahmad:** Do Government remember that they have issued on the 13th July, 1932, a Circular letter No. Es.-B. 110-7/32, mentioning that complaints of unreasonable delay in the disposal of personal matters are frequently received by the Director General? For instance, the Director General recently received a letter from the wife of a postal clerk complaining that although her husband had been acquitted by the Criminal Court of the charge against him six months ago, he had neither been reinstated nor had any attention been paid to his petitions. In that connection the Director General has called for a report on the case from the Postmaster General concerned together with the explanation of the officer responsible for delay in dealing with the case.

**Mr. T. Ryan:** As I have already stated, I have given instructions that the disposal of personal cases should be expedited and I think the instance now quoted is an example of that.

**Mr. M. Maswood Ahmad:** Are Government aware that that case has not still been decided by the Postmaster General, although the letter was dated the 13th July? The Honourable Member himself admitted that there was a delay in that case. Did they get any explanation from the officer responsible?

**Mr. T. Ryan:** I am not aware of the precise details of this case, but if it is still undisposed of, I shall take further steps to expedite it.

**Mr. M. Maswood Ahmad:** What amount have they lost every year on account of the suspension allowance owing to the delay in the decision of appeals?

**Mr. T. Ryan:** No such calculation has been made. These cases are not delayed through carelessness. It is due to some defect in procedure which we are doing our best to remedy.

**Mr. Lalchand Navalrai:** I did not follow the Honourable Member's reply to part (b). Are there appeals pending for two or three years?

**Mr. T. Ryan:** The reply is really contained in my answer to part (a). I stated that a very few exceptional cases have occurred, in which the delay is not due to the departmental staff.

**Mr. Lalchand Navalrai:** How much time is ordinarily sufficient for disposing of an appeal?

**Mr. T. Ryan:** It depends entirely on the circumstances of the case. In these particular cases there is great difficulty in obtaining certain necessary information from some persons or bodies unconnected with Government.

**Mr. Lalchand Navalrai:** These are exceptional cases as the Honourable Member puts it, but ordinarily how much time do they take?

**Mr. T. Ryan:** It is quite impossible to specify a precise period. Each case is dealt with as rapidly as the circumstances admit.

**Mr. Lalchand Navalrai:** For appeals under the Limitation Act, one or two months is actually prescribed. Will it not be possible for the Honourable Member to dispose of these appeals within a specified time?

**Mr. T. Ryan:** It may be possible to prescribe a time limit, but it is not practicable to observe it. We are doing our best to dispose of appeals quickly.

**Mr. M. Maswood Ahmad:** Will Government be pleased to carry out what they have stated in para. 2 of the letter which I have just mentioned

**Mr. T. Ryan:** I have already stated that if the case is still undisposed of, it will receive further attention.

**Mr. President:** Next question, please.

#### REDUCTION IN RAILWAY FARES TO NEWLY MARRIED COUPLES.

1443. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware of Sgr. Mussolini's recent decision to grant an 80 per cent. reduction in railway fares to all newly married couples who wish to spend their honeymoon in Rome?

(b) Do Government propose to inquire into the matter and introduce the idea as an experimental measure for those newly married couples who wish to spend their holidays in Delhi?

**Mr. P. E. Rau:** (a) I have seen a report in the press regarding the reduction granted by the Italian State Railways in such circumstances. I do not remember what was stated as the amount of reduction granted, but I believe there were conditions attached to it, for example, that the couple claiming the concession should produce proof of marriage.

(b) No, Sir. It is not clear whether this action, if correctly reported, has been taken with the hope of increasing the net railway revenues by a large stimulation of this kind of traffic, or as part of propaganda to encourage marriages and the increase of population. Government do not consider that the first object is at all likely of achievement in India. As regards the second, they are not aware that there is any necessity in India to offer any such inducements.

**Kunwar Haje Ismail Ali Khan:** Will Government be kind enough to ask Their Excellencies to reserve a portion in the Viceregal Lodge for these newly married couples in order to give them further facilities or will the Honourable Members of the Executive Council be kind enough to receive them as their own guests? (Laughter.)

#### RESOLUTIONS PASSED BY THE EXECUTIVE COMMITTEE OF THE ALL-INDIA MUSLIM RAILWAY EMPLOYEES' ASSOCIATION.

1444. **\*Mr. M. Maswood Ahmad:** Are Government aware of the resolutions passed by the executive committee of the All-India Muslim Railway Employees' Association held at Hotel Cecil on the 6th and 7th October, 1982?

**Mr. P. E. Rau:** Government have not seen the resolutions referred to.

**Mr. M. Maswood Ahmad:** Have not Government received any copy of that resolution yet?

**Mr. P. E. Rau:** Not in the Railway Department, Sir.

**RESOLUTIONS PASSED BY THE EXECUTIVE COMMITTEE OF THE ALL-INDIA MUSLIM RAILWAY EMPLOYEES' ASSOCIATION.**

**1445. \*Mr. M. Maswood Ahmad:** (a) What action have Government taken or propose to take in connection with resolution No. 3, passed by the All-India Muslim Railway Employees' Association on the 6th and 7th October, 1932, which runs as follows:

"Resolved that in view of the paucity of Muslims in Railway Offices and their total absence in the Establishment Sections, the Agents, the Divisional Superintendents, the Controller of Railway Accounts and the Director of Railway Audit be requested to increase the number of Muslims on their lines in general and in establishment particular by transferring Muslim clerks from other branches."?

**Mr. P. E. Rau:** The questions raised are covered by the suggestions in Mr. Hassan's report which are at present under the consideration of the Government of India.

**Mr. M. Maswood Ahmad:** Are Government aware that on the 22nd February, 1932 (I am reading from Assembly Debates, page 1014) an undertaking was given to the following effect:

"In the Railway Board's letter No. 917-E. G., dated the 6th August, 1931, the Agents of the North Western, East Indian, Great Indian Peninsula and Burma Railways have been instructed to consider the posting of Muslim officers as Staff Establishment or Employment officers when making appointment to such posts with a view to securing the employment of an adequate number of Muslim officers. They have at the same time been asked to submit a report by the end of December next."

Has any report been received, and how many Muslim establishment officers have been employed?

**Mr. P. E. Rau:** As I have already explained, the general question is at present under consideration in connection with Mr. Hassan's report and when orders are passed on that report, the information will be laid before the Assembly.

**Dr. Ziauddin Ahmad:** Will the question be decided by the present Railway Board or by the Statutory Board which will come into existence under the new constitution?

**Mr. P. E. Rau:** If the Honourable Member will let me know when the new Railway Board will come into existence, I shall probably be in a position to give him a reply.

**Mr. S. C. Mitra:** When posting Muslim officers, will Government consider the claims of Bengal Muslim officers, who at present get a small share though Bengal Muslims form the majority of Muslim population in India?

**Mr. P. R. Rau:** That is a hypothetical question. Till the question has been decided as to the desirability of taking action on the lines suggested the question does not arise.

**Sir Hari Singh Gour:** Will the Honourable Member consider the claim of the Shias as against Sunnis who form the majority of the Muslim population?

**Maulvi Sayyid Murtuza Sahib Bahadur:** Is it not a fact that there is no such demarcating line between Shias and Sunnis? The questioner has unnecessarily raised this question to offend the religious feeling of the Muslims.

#### SCHEME OF INTER-BRANCH TRANSFERS PREPARED UNDER THE INSTRUCTIONS OF THE RAILWAY BOARD.

1446. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to lay on the table the scheme of inter-branch transfers prepared under the instructions of the Railway Board?

(b) Has the attention of the Agents, North Western Railway and East Indian Railway, been drawn to the scheme mentioned in part (a) asking them to give effect to the same?

**Mr. P. R. Rau:** I have not been able to understand clearly what is the scheme to which my Honourable friend is referring.

**Mr. M. Maswood Ahmad:** I was referring to the Resolution. Will the Honourable Member be pleased to see the Resolutions passed on the 6th and 7th October? In that Resolution it will be found that the scheme mentioned is in a very clear form?

**Mr. P. R. Rau:** I shall look into that question. I was not able to understand what my Honourable friend was referring to.

#### COMMUNAL COMPOSITION OF CERTAIN CADRES IN THE OFFICES OF THE POSTMASTERS GENERAL, PUNJAB AND NORTH-WEST FRONTIER AND BENGAL AND ASSAM CIRCLES.

1447. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state the communal composition of the following cadres of appointments in the offices of the Postmasters General, Punjab and North-West Frontier Circle, Lahore, and Bengal and Assam Circle, Calcutta: (a) Deputy Postmaster General; (b) Assistant Postmasters General; (c) Office Superintendent; (d) Head Assistant and (e) Head Clerks?

**The Honourable Sir Frank Noyce:** A statement is laid on the table. I may, however, mention that appointments to the posts referred to in the question are made by promotion or selection and that the rules regarding communal representation do not therefore apply.

*Statement showing the communal composition of certain cadres in the offices of the Postmasters General, Bengal and Assam and Punjab and North-West Frontier Circles.*

		(a) Deputy P. M. G.	(b) Assistant P. M. G.	(c) Office Superin- tendent.	(d) Head Assistant.	(e) Head clerks.	Remarks.
Bengal and Assam	Hindus .	1	3	1	3	10	
	Muslims .	..	1	..	..	..	
	Others .	1	..	..	..	1	
Punjab and North- West Fron- tier.	Hindus .	1	1	1	2	12(a)	(a) One of these posts will shortly be held by a Muslim.
	Muslims	1	1	..	..	2	
	Others	..	2	..	..	..	

PROMOTIONS IN THE OFFICES OF THE POSTMASTERS GENERAL.

1448. \*Mr. M. Maswood Ahmad: (a) Will Government be pleased to state the number of (i) Muslims and (ii) Hindus who will be eligible for promotion to the posts of (1) Office Superintendent (2) Head Assistant and (3) Head Clerks in the Offices of Postmasters General, Punjab and Bengal Circles within the next two years by virtue of their seniority?

(b) Is it a fact that promotions in the offices of the Postmasters General are confined to the officials of those offices?

(c) Are Government aware that if the procedure mentioned in part (b) above continues to be in force, there is little likelihood of Muslims getting into the posts stated in part (a) above?

(d) Are Government prepared to order that senior qualified officials be imported into circle offices to remove communal inequalities?

The Honourable Sir Frank Noyce: (a) Government are unable to furnish the information asked for, as promotions to the posts referred to are made not merely by virtue of seniority but also after consideration of the officials' past records and known capability. I would further point out that questions of promotion are decided as vacancies occur and not two years in advance.

(b) Yes.

(c) Government have no information. The Honourable Member is referred to the reply to part (a).

(d) No.



**COMMUNAL COMPOSITION OF THE APPROVED CANDIDATES FOR CLERICAL CADRE IN CERTAIN POST OFFICES AND POSTAL CIRCLES.**

**1449. \*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the communal composition of the approved candidates for the clerical cadre, upper and lower divisions, on the waiting lists of the following postal circles and offices?

- (i)—(1) Bengal and Assam Circle,  
 (2) Bihar and Orissa Circle,  
 (3) United Provinces Circle,  
 (4) Punjab and North-West Frontier Circle,  
 (5) Sind and Baluchistan Circle,  
 (6) Bombay Circle,  
 (7) Madras Circle,  
 (8) Central Circle.

- (ii)—(1) Calcutta, General Post Office,  
 (2) Madras, General Post Office,  
 (3) Bombay, General Post Office,  
 (4) Lahore, General Post Office,  
 (5) Nagpur, General Post Office,  
 (6) Patna, General Post Office,  
 (7) Lucknow, General Post Office,  
 (8) Karachi, General Post Office.

(b) Is it a fact that there are only 134 Muslim clerks out of a clerical staff of over 1,700 in the Calcutta General Post Office?

**The Honourable Sir Frank Noyce:** (a), (i) and (ii). Government are not in possession of the information, and its collection would involve a great expenditure of time and labour. Government have no reason to doubt that their orders for the redress of communal inequalities, to which the attention of the recruiting authorities has frequently been drawn, are being properly observed in the Circles and Offices to which the Honourable Member refers.

(b) There are at present 128 Muslim clerks in the Calcutta General Post Office; the total staff is 1,481 clerks.

**Mr. M. Maswood Ahmad:** Even after seeing this paucity of Muslims, how can the Government say that they are satisfied with the position, in reply to part (a) of the question?

**The Honourable Sir Frank Noyce:** I can only again repeat that Government have no reason to doubt that their orders for the redress of communal inequalities are being properly observed. I have gone into the recent figures in regard to the recruitment for the Calcutta General Post Office and I find that the orders are being strictly carried out since 1928.

**Mr. K. Ahmed:** Have Government made all possible inquiries as to whether the order is being carried out also in the office of the Postmaster General, Bengal, so that the House may then feel fully satisfied that the Government are taking all necessary steps to fulfil their promises made again and again not by the Honourable Member himself but from the time of Lord Reading since declarations were made from the pinnacle of the Belvedere Viceregal Lodge since 1925, that Muslims hereafter will by no means be satisfied with 33 per cent. and that if suitable candidates were available, the Muslim representation would go up to 45 per cent.?

**The Honourable Sir Frank Noyce:** I shall be happy to place on the table of the House the figures for recent recruitment to the Calcutta General Post Office. To the best of my recollection, there have been 98 clerks recruited in the last four years, and, of these, 31 have belonged to the minority communities. I will verify those figures and place them on the table.

**Mr. K. Ahmed:** In view of the fact that the Honourable Member has made a hopeless blunder in thinking that 31 out of 1,481 is a proper proportion and in continuation of the question raised by Mr. S. C. Mitra a few minutes ago that Muhammadans should be given a far higher share, should not Government exercise their proper intelligence and see to it that satisfaction is given to our claims so that the promises of Government are fulfilled?

**The Honourable Sir Frank Noyce:** The statement I have made shows, I think, that the undertakings of Government have been fulfilled.

#### MUSLIM CLERKS IN THE CALCUTTA GENERAL POST OFFICE.

1450. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that in a staff of nearly 40 clerks in the Calcutta General Post Office, there is not one Muslim clerk?

(b) Is it a fact that in a staff of nearly 10 appointment clerks in the Calcutta General Post Office there is not one Muslim clerk?

(c) Is it a fact that in a staff of nearly 100 clerks in the correspondence branch of the Calcutta General Post Office there are only four Muslims?

(d) Is it a fact that the Muslim correspondence clerks, in the Calcutta General Post Office, who are graduates, are posted to the records and reference sections and they have not been given any responsible work to do?

**The Honourable Sir Frank Noyce:** (a) As the Honourable Member does not specify the particular branch of the Calcutta General Post Office to which he refers, I regret that it is not possible to give the information for which he asks.

(b) to (d). Government have no information nor do they propose to call for it as postings to branches are not made with reference to communal considerations.

**Mr. M. Maswood Ahmad:** This question was for the Calcutta General Post Office taken as a whole as I remember—not branch by branch.

**The Honourable Sir Frank Noyce:** In the Calcutta General Post Office as a whole there are certainly more than 40 clerks—which is the number given in part (a) of the Honourable Member's question.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to lay on the table the correct figure—if it is more than 40—I want to know the correct figure?

**The Honourable Sir Frank Noyce:** I have given the information for the Calcutta General Post Office as a whole in my reply to part (b) of the Honourable Member's previous question. I have there stated that there are at present 128 Muslim clerks in the Calcutta General Post Office out of a total staff of 1,481.

#### MUSLIM GRADUATES ENTERTAINED AS CANDIDATE CLERKS IN THE CALCUTTA GENERAL POST OFFICE.

1451. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the total number of Muslim graduates entertained as candidate clerks in the Calcutta General Post Office during the last five years?

(b) Will Government be pleased to state the number of Muslim graduates who left service or candidature in the Calcutta General Post Office during the last five years?

(c) Is it a fact that Muslim graduates who left the Calcutta General Post Office had been put to work in Branches like Sorting, Delivery, Mail, Registration, etc., unlike Hindu graduates who are generally put to work in Correspondence and other branches?

**The Honourable Sir Frank Noyce:** (a) Eight.

(b) Three.

(c) Government have no information as to the branches in which the officials in question were put to work nor do they admit that work in the mail, sorting and delivery departments is less difficult than work in the correspondence and other branches, which would seem to be the Honourable Member's implication.

#### COMMUNAL COMPOSITION OF THE TOWN INSPECTORS IN THE CALCUTTA GENERAL POST OFFICE.

1452. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state the total number of Town Inspectors in the Calcutta General Post Office and the communities to which they belong?

**The Honourable Sir Frank Noyce:** Government have no information and do not propose to call for it as appointments to posts of Town Inspectors are made by promotion and the orders regarding communal representation do not therefore apply.

**Dr. Ziauddin Ahmad:** The question only asked how many there are,—and it is quite different from any question of communal inequality. I think the Honourable gentleman ought to be able to give the bare figures asked for. The point as to whether he is willing or not willing to adjust any communal inequality is entirely different?

**The Honourable Sir Frank Noyce:** I am sorry I do not quite follow the question.

**Dr. Ziauddin Ahmad:** The question No. 1452 was:

"Will Government be pleased to state the total number of Town Inspectors in the Calcutta General Post Office and the communities to which they belong?"

Here the figures only are required.

**The Honourable Sir Frank Noyce:** I am quite prepared to obtain the figures.

**Mr. K. Ahmed:** In view of the fact that there is not a single Muhammadan, while there are so many clerks of other communities, will Government see their way now to find out some suitable Muhammadans?

**The Honourable Sir Frank Noyce:** As I have frequently explained not only this morning but on various other occasions, Government are taking every step to see that their orders in regard to the recruitment of minority communities are strictly followed out. I can give no further undertaking.

**Mr. M. Maswood Ahmad:** Are Government aware that no question was asked about the "policy of Government", but that only some figures were required in the question?

**The Honourable Sir Frank Noyce:** I have promised to give those figures.

#### RESERVE CLERKS IN THE CALCUTTA GENERAL POST OFFICE.

1453. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state the action taken by the Postmaster General, Bengal Circle, on a copy of Mr. Muhammad Azhar Ali's starred question No. 915, dated the 24th September, 1931, regarding reserve clerks in the Calcutta General Post Office?

**Mr. T. Ryan:** Government have received no report from the Postmaster General, nor do they propose to call for one as the matter is entirely within the discretion of that officer.

#### AMOUNT RAISED BY LOANS AND SALE OF TREASURY BILLS.

1454. **\*Dr. Ziauddin Ahmad:** (a) What is the amount of loan Government raised since 1st January, 1932, and at what rate of interest?

(b) What is the total amount Government received by the sale of treasury bills?

(c) In what manner have Government spent or do they propose to spend the amount raised by loan and sale of treasury bills?

**The Honourable Sir George Schuster:** (a) and (b). Information up to the end of August, 1932, was furnished to the Honourable Member in reply to his starred question No. 116 on the 8th September last. No loans have been raised by the Government of India since that date. The net sales of Treasury Bills from 1st September to 20th November, 1932, amounted to about Rs. 13½ crores.

(c) The attention of the Honourable Member is invited to the reply to part (d) of his question referred to above.

PUBLICATION OF THE COMPLETE REPORT OF THE POST OFFICE RETRENCHMENT SUB-COMMITTEE.

1455. \*Dr. Ziauddin Ahmad: Is it a fact that the Post Office Retrenchment Sub-Committee published only an *interim* report, and will Government please state when the complete report will be published?

The Honourable Sir Frank Noyce: Yes, but as the *interim* report contained specific recommendations for immediate savings and also suggestions for the investigation of a number of other economies, which are being actively pursued, it has served the purposes of a complete report. Government have therefore decided, with the full concurrence of the Chairman of the Sub-Committee, that the expenditure involved in re-assembling the Sub-Committee would not be justified.

Dr. Ziauddin Ahmad: Do I understand that the final report will not be published at all?

The Honourable Sir Frank Noyce: As I have explained, Government do not propose to re-assemble the Sub-Committee and therefore it will not submit a final report.

Dr. Ziauddin Ahmad: Did the members of that Sub-Committee agree that there should be no final report?

The Honourable Sir Frank Noyce: They were informed of the view of the Government and of the Chairman of the Sub-Committee and none of them has raised any objection.

REPORT OF OFFICER ON SPECIAL DUTY TO REVISE THE SCALES OF PAY.

1456. \*Dr. Ziauddin Ahmad: (a) When will the report of the officer put on special duty to prepare statistics about revision of the scale of pay be published?

(b) Will this report be laid before the Retrenchment Committee, which initiated preliminary enquiries?

The Honourable Sir George Schuster: (a) and (b). I propose to call a meeting of the main Retrenchment Committee at the earliest convenient moment, and to discuss the whole position with that Committee.

BAD CONDITION OF A ROAD NEAR TURKMAN GATE, DELHI.

1457. \*Mr. Muhammad Yamin Khan: (a) Are Government aware that a portion of the road about a furlong long, from Turkman Gate to its junction with the road which runs from outside Delhi Gate to Ajmeri Gate is *kuchcha* and in very bad condition?

(b) Are Government aware that it is very difficult to take a motor car on that dusty road, and that there is no other way except through that road to get inside the Turkman Gate from New Delhi?

(c) Are Government aware that heaps of rubbish and filth is thrown and collected on both sides of this road and no steps have been taken to improve this locality in spite of its proximity to the New Delhi area?

(d) Has the attention of Government been drawn to the fact that this area affects adversely the health of the residents of both New Delhi and Delhi?

(e) Whom does this road belong to?

(f) If it belongs to the Delhi Municipality, has the Chairman of that Municipality ever inspected it personally? If not, why not?

(g) Has the Health Officer concerned ever drawn the attention of Government to improve this locality and put a stop to fly and mosquito breeding?

(h) When do Government propose to make this road pucca?

(i) When do Government propose to remove the mounds of earth and filth from the place lying in front of Turkman Gate?

**Mr. G. S. Bajpai:** Enquiries have been made and the information will be furnished to the House on receipt.

**Dr. Ziauddin Ahmad:** Will the Honourable Member kindly take a drive himself and find out the condition of the road?

**Mr. G. S. Bajpai:** When the strenuous character of the business in the Assembly permits of it, I shall be glad to do so.

**Mr. Muhammad Yamin Khan:** If the Honourable Member were to take a drive for five minutes, he will be convinced that the road is bad.

**Mr. G. S. Bajpai:** My Honourable friend does not appreciate that, in the first place, the responsibility is that of the Chief Commissioner and not mine.

**Mr. Muhammad Yamin Khan:** Will the Honourable Member draw the attention of the Chief Commissioner to the condition of the road after having seen it himself?

**Mr. G. S. Bajpai:** That assumes, Sir, that the Chief Commissioner will not take the requisite action himself.

**Sir Muhammad Yakub:** Even if he is invited to a dinner on that road?

**Mr. G. S. Bajpai:** My Honourable friend has not yet extended the courtesy of inviting me to dinner. If he does, I shall be glad to go.

†1458.\*

#### PAY OF ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

1459. \***Mr. K. Ahmed** (on behalf of Mr. Muhammad Anwar-ul-Azim):

(a) Is it a fact that the maximum pay of an Assistant Station Master, East Indian Railway, is Rs. 95 per mensem and scaled as 'C' class? If so, what are the rules for his further increases in pay and rank?

(b) Is it a fact that Assistant Station Masters drawing the maximums of scale 'C' since 8 or 10 years have never been appointed to any vacancy fallen in Station Master's grades on a salary higher or equivalent? If not, will Government be pleased to lay on the table a statement showing the name and pay of Assistant Station Masters, promoted to Station Master with station and pay of each Station Master?

†This question was withdrawn by the questioner.

(c) Is it a fact that Assistant Station Masters, Class 'C', often officiate in Class 'F' temporarily, but were never promoted permanently?

**Mr. P. B. Rau:** I have called for information and will lay a reply on the table in due course.

**EMPLOYMENT OF EAST INDIAN RAILWAY EMPLOYEES ON THE OUDH AND ROHILKHAND SECTION AND VICE VERSA.**

1460. **\*Mr. K. Ahmed:** Is it a fact that the officials and the subordinates recruited by the Oudh and Rohilkhand Railway prior to amalgamation with the East Indian Railway, though senior, were superseded by the East Indian Railway junior hands? If not, will Government be pleased to state the number, designation and length of service of the East Indian Railway hands serving on the Oudh and Rohilkhand section and *vice versa* with a comparative statement of the sanctioned appointments on the Oudh and Rohilkhand section?

**Mr. P. B. Rau:** With your permission, Sir, I propose to reply to questions Nos. 1460, 1461, 1462, 1463, 1467, 1469, 1470, 1471, 1472, 1473 and 1474 together.

I have called for information and will lay a reply on the table in due course.

**FAVOURITISM TO EAST INDIAN RAILWAY EMPLOYEES.**

†1461. **\*Mr. K. Ahmed:** Has the attention of Government been drawn to an article under the caption "E. I. Ry. Employees favoured" on page 6, published in the issue dated 22nd October, 1932, of the *Railway Times* (an official organ of the National Union of Railwaymen of India and Burma)? If so, are Government prepared to inquire and hold a competitive examination of both East Indian and Oudh and Rohilkhand Railways hands?

**EMPLOYMENT OF EAST INDIAN RAILWAY EMPLOYEES ON THE OUDH AND ROHILKHAND SECTION AND VICE VERSA.**

†1462. **\*Mr. K. Ahmed:** Will Government be pleased to lay on the table a statement regarding the proceedings and the result of the investigations as promised by the Agent, East Indian Railway, in his letter No. A. E.-1478/4 of 15th September, 1932, on the employment of East Indian Railway hands on the Oudh and Rohilkhand section and *vice versa*?

**ABSORPTION OF THE SURPLUS EAST INDIAN RAILWAY HANDS IN THE OUDH AND ROHILKHAND SECTION.**

†1463. **\*Mr. K. Ahmed:** Has the attention of Government been drawn to an article under the caption "Lucknow Notes" published on pages 3 and 4 in the issue dated the 13th August, 1932, of the *Railway Times*? If so, what steps have so far been taken to prevent the absorbing of surplus East Indian Railway hands in the Oudh and Rohilkhand section? Are Government aware that this has closed the door against promotions and further advancements of persons serving under conditions of the Oudh and Rohilkhand Railway and placed them junior to imported East Indian Railway hands?

†For answer to this question, see answer to question No. 1460.

**RULES FOR RECORDING ADVERSE REMARKS AGAINST A RAILWAY SUBORDINATE.**

**1464. \*Mr. K. Ahmed:** (a) Has the attention of Government been drawn to the letter published on page 9 in the issue dated the 26th March, 1932, of the *Railway Times* under the caption 'The New Rib'? If so, will Government be pleased to lay on the table a copy of the rule, instructions and the procedure in respect of recording, making or passing adverse remarks against a subordinate?

(b) Is it a fact that the Divisional Superintendents (especially Mr. L. E. Vining) of the East Indian Railway are in the habit of passing adverse and damaging remarks against subordinates without intimating the reasons thereof to the subordinate concerned or calling for defence or explanation before such action is taken?

**Mr. P. R. Rau:** (a) Government have seen the Article referred to. I would refer the Honourable Member to the reply given to parts (a) and (b) of unstarred question No. 189, asked by Mr. Gaya Prasad Singh on the 14th November, 1932.

(b) Government have no information but the Honourable Member's question will be brought to the notice of the Agent, East Indian Railway.

**APPEALS AGAINST THE ORDERS OF THE DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.**

**1465. \*Mr. K. Ahmed:** (a) Are Government aware that appeals and representations, if and when submitted to the Agent or the Chief Operating Superintendent by subordinates on the East Indian Railway against the orders of the Divisional Superintendents, are never given consideration against the damaging remarks passed by the Divisional Superintendent when forwarding such appeal or representation and that the subordinate concerned is never questioned to rebut such remarks nor is he made aware of these and even the Agent or the Chief Operating Superintendent does not challenge the remarks or call for proofs in support of these from the Divisional Superintendent, with the result that the subordinate continues to labour against extreme grievances?

(b) Are Government aware that, however serious the grievance a subordinate may be labouring under and wishing to see the Agent or Chief Operating Superintendent thereon, he is not permitted to do so by the Secretaries and Deputies under the Agent or Chief Operating Superintendent?

(c) Will Government be pleased to lay on the table a statement for the last five years of the appeals and representations preferred by the subordinates to the Agent or the Chief Operating Superintendent, East Indian Railway, showing:

- (i) the number and nature of appeals or representations originally submitted;
- (ii) the number received in Agent's or Chief Operating Superintendent's office;
- (iii) the number withheld by the Divisional Superintendent of each Division;
- (iv) the number of those appeals which were successful and those which are under consideration; and
- (v) the cost of each of them?



**Mr. P. R. Rau:** (a) and (b). I have called for certain information and will lay a reply on the table in due course.

(c) Government regret that they can not undertake to collect the information required as it would entail too heavy an expenditure of time and labour.

#### STAFF DEMOTED ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

1466. **\*Mr. K. Ahmed:** (a) Are Government aware that the staff demoted on the Oudh and Rohilkhand section of the East Indian Railway have, despite representations, been superseded by juniors to those demoted before the former's demotion and Railway Board's instructions No. 683-E. G., and No. 381-L. of 3rd March, 1931, and 19th August, 1932, are disregarded by the East Indian Railway administration? If not, will Government be pleased to lay on the table a statement showing:

- (i) the name, designation, pay and length of service of staff brought under reduction or demoted;
- (ii) the casualties thereafter and how they are filled up;
- (iii) the name and designation of the staff whose posts were abolished but provided for in lower or newly created posts; and
- (iv) the name and designation of the staff who have been promoted from lower or newly created posts after demotion when a suitable opportunity offered?

**Mr. P. R. Rau:** The Agent, East Indian Railway, states that the instructions referred to by the Honourable Member have been, and are being strictly observed, and that any appeal from employees that the instructions have not been properly applied in their cases receive proper attention.

Government regret they are unable to supply the information asked for by the Honourable Member in the second part of his question as they consider that the time and labour spent in collecting it will be out of all proportion to any use which it could be put to.

#### SENIORITY LIST OF THE SENIOR STAFF OF THE EAST INDIAN RAILWAY.

†1467. **\*Mr. K. Ahmed:** Are Government aware that there is a combined seniority list for the senior staff maintained in the Agent's office, East Indian Railway? Are Government aware that it is not adhered to and that recommendations made by the Divisional Superintendents are adopted to the prejudice and detriment of senior and deserving hands?

#### TRAVELLING TICKET INSPECTORS AND EXAMINERS ON THE EAST INDIAN RAILWAY.

1468. **\*Mr. K. Ahmed:** Will Government be pleased to lay on the table a statement in respect of:

- (i) the number of Travelling Ticket Inspectors on the East Indian Railway under the Audit Department before their transfer to the Operating Department and the yearly earning and expenditure per head since inception;

- (ii) the number of Crews on the East Indian Railway under and before the Moody-Ward report and the yearly earning and expenditure per head since inception; and
- (iii) the number of Travelling Ticket Examiners (old Travelling Ticket Inspectors and Crews) on the East Indian Railway under the Operating Department and the yearly earning and expenditure per head since amalgamation?

**Mr. P. R. Rau:** The information is not readily available and would entail an expenditure of time and labour to collect incommensurate with any possible advantage that may arise from it.

**Mr. K. Ahmed:** In the meantime, the Department of my Honourable friend will try, secretly, departmentally or otherwise, without informing us to take proper steps and remove the anomaly at once so that I may not have to remind the Government again on the subject?

**Mr. P. R. Rau:** Copies of these questions will be sent to the Agent of the Railway, Sir.

#### SCALES OF PAY OF LOWER SUBORDINATES ON THE EAST INDIAN RAILWAY.

†1469. **\*Mr. K. Ahmed:** Is it a fact that there are two scales in the same grade of lower subordinates on the East Indian Railway? If so, why? Is there any difference in the nature of work for which the East Indian Railway recruits are paid higher than Oudh and Rohilkhand Railway hands? When were the last increments to grades made?

#### PROMOTION OF OUDH AND ROHILKHAND RAILWAY EMPLOYEES TO THE HIGHER GRADES ON THE EAST INDIAN RAILWAY.

†1470. **\*Mr. K. Ahmed:** Is it a fact that Oudh and Rohilkhand Railway hands were never promoted or posted to vacancies in higher grades if and when they occurred in the East Indian Railway section? If so, why?

#### REVISION OF PAY OF CERTAIN POSTS ON THE EAST INDIAN RAILWAY.

†1471. **\*Mr. K. Ahmed:** Is it a fact that the pay of Goods Clerks, Train Clerks, Ticket Collectors, Flag Station Masters and Relieving Clerks were revised, but not of Booking Clerks, Parcel Clerks, Luggage Clerks, Signallers and Station Master's Clerks on the East Indian Railway? If so, why?

#### HOUSE RENT FOR THE STAFF ON THE HARDWAR-DEHRA DUN SECTION OF THE EAST INDIAN RAILWAY.

†1472. **\*Mr. K. Ahmed:** Is it a fact that house rent is sanctioned by the Agent, East Indian Railway, to the staff employed on the Hardwar-Dehra Dun section, but it is paid to the staff up to Harrawala and not to the staff at Dehra Dun? If so, why?

#### OFFICIATING APPOINTMENTS OF INDIAN STATION MASTERS AND ASSISTANT STATION MASTERS OF THE EAST INDIAN RAILWAY AS GUARDS.

†1473. **\*Mr. K. Ahmed:** Is it a fact that Indian Station Masters and Assistant Station Masters of the East Indian Railway officiate as Guards in Howrah, Asansol, Dinapore and Allahabad Divisions, whereas the

Divisions of Lucknow and Moradabad are denied the above privilege? If so, why does such differential method of working prevail in the same administration?

**REGULATIONS FOR RECRUITMENT OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.**

†1474. \***Mr. K. Ahmed:** Will Government be pleased to lay on the table a copy of the regulations for recruitment of Station Masters and Assistant Station Masters on the East Indian Railway especially in the Divisions of Moradabad and Lucknow?

**NOMINATION OF CANDIDATES FROM ASSAM TO THE INDIAN SANDHURST AT DEHRA DUN.**

1475. { \***Mr. T. R. Phookan:**  
\***Mr. Abdul Matin Chaudhury:** } (a) Is it a fact that since the King's Commission was thrown open to Indians, only one officer has been recruited from the Province of Assam?

(b) If the answer to part (a) be in the affirmative, do Government intend to give special consideration to the claims of candidates from Assam in making nomination for the Indian Sandhurst at Dehra Dun?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) No, Sir. Selection must be made strictly in accordance with the merits of each candidate.

**Mr. S. G. Jog:** Is it not a fact that the power of the nomination given to His Excellency the Commander-in-Chief has not been exercised at least in regard to the examinations?

**Mr. G. R. F. Tottenham:** No, Sir. His Excellency the Commander-in-Chief has exercised his power of nomination, but he has exercised it in a particular way. He has decided usually to give his three nominations to the next three candidates on the list, that is to say, he does not want to go outside the order in which they appear as a result of the examination.

**Rao Bahadur B. L. Patil:** Will the Honourable Member kindly let the House know whether the claims of each province are taken into consideration in selecting the candidates?

**Mr. G. R. F. Tottenham:** The claims of provinces are not taken into consideration, but the claims of individuals coming from different parts of India may be taken into consideration.

**PERMANENT CLERICAL STAFF ON DEPUTATION TO THE OFFICE OF THE RAILWAY BOARD.**

1476. \***Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will Government be pleased to say how many clerks, assistants and stenographers, having a lien or having permanent posts in the railways, are now on deputation in the offices of the Railway Board, the Central Standards Office and Major Wagstaff's office?

†For answer to this question, see answer to question No. 1460.

(b) Will Government be pleased to say how many clerks, assistants and stenographers, etc., have been retrenched so far in the above offices?

(c) Are Government prepared to consider the desirability of reverting those having posts in the various railways to their permanent jobs and filling the vacancies thus created by retrenched hands?

(d) Have Government considered that the course suggested in part (c) above will conduce to economy both in the Railway Board and in the various railways?

(e) Will Government also be pleased to say if any of the staff retrenched in the offices referred to above in part (b) have been provided with permanent posts by the Public Service Commission or otherwise in departments of the Government of India or attached offices including Army Headquarters?

**Mr. P. R. Rau:** (a) There are only two such, both of whom are in the office of the Supervisor of Railway Labour.

(b) The total number of clerical staff retrenched is six, of whom one belonged to the Central Standards Office and the rest to the office of the Railway Board.

(c) and (d). The two men retained in the office of the Supervisor of Railway Labour were retained because they had been trained specially for their present duties and Government do not consider their reversion will be in the public interest or lead to economy.

(e) The employees retrenched were men who volunteered for retirement and the question of providing them with other posts does not arise.

#### HUNGER STRIKE OF JAIN MUNI SRI MISRI LALJI.

1477. **\*Mr. Goswami M. R. Puri** (on behalf of Rai Bahadur Sukhraj Roy): Will Government be pleased to state:

(a) whether they are aware that Jain Muni Sri Misri Lalji has been on hunger strike for the last eight days and intends to prolong it until the Jodhpur State withdraws the ban on his entry into the State territory;

(b) if so, whether they are aware that the Jains regard their Munis with great reverence and any interference with their movements are viewed by them with great disfavour; and

(c) whether they are aware that the ban has caused serious resentment amongst the Jains of British India?

**The Honourable Mr. H. G. Halg:** (a) Government are aware that this Jain Muni is on hunger strike, but not for the reason suggested. I understand that the object of the hunger strike is to compose the differences between two religious leaders of the Jain community.

(b) and (c). Do not arise.

#### CUTS IN THE SALARIES OF THE INDIAN CIVIL SERVANTS.

1478. **\*Mr. Goswami M. R. Puri** (on behalf of Rai Bahadur Sukhraj Roy): (a) Will Government be pleased to state whether the 10 per cent. cut in salaries of Indian Civil Servants will be continued or restored after 31st March, 1933?

(b) Has the financial position of the Government of India improved or deteriorated since the cuts in salaries were begun?

(c) Will the cuts in Provincial Services also be restored along with the cuts in All-India Services?

(d) Is it a fact that the Government of India have received a fiat from the Secretary of State for India to restore the cuts in the salaries and to prepare the Budgets for the next year on the basis of payments of full salaries and the Budget is being prepared accordingly?

(e) What are the views of the Provincial Governments on the matter? Have any of them lodged any protest to the Central Government against the restoration of cuts?

**The Honourable Sir George Schuster:** The reply to part (d) of the question is in the negative. For the rest I am not yet in a position to make any addition to the statement on this subject contained in Sir Alan Parsons' reply to Mr. Lalchand Navalrai's starred question No. 143 on the 8th September, 1932.

#### DISCONTINUANCE OF RAILWAY MAIL SERVICE SYSTEM ON THE EAST INDIAN RAILWAY LOOP LINE TRAINS.

1479. **\*Mr. Goswami M. R. Puri** (on behalf of Rai Bahadur Sukhraj Roy): (a) Will Government be pleased to state whether the Railway Mail Service system on the East Indian Railway Loop Line trains has been discontinued recently and that the mails are being carried by the guards?

(b) If so, on what other lines and on what other Railways has the system been discontinued?

(c) What are the reasons for the discontinuance of the system?

(d) Is it intended to secure some retrenchment in expenditure or has it been done with some other purpose in view?

(e) Have the clerks in charge of the Railway Mail Service been discharged or have they been transferred to other departments?

(f) How many such clerks were employed in this?

**Mr. T. Ryan:** (a) No.

(b), (c) and (d). Do not arise.

(e) The Mail Guard, who was in charge of one Section, has been transferred elsewhere.

(f) Only one Mail Guard was employed in the Section.

#### CONTRACTORS FOR THE SALE OF BOOKS, SWEETMEATS, TEA AND FRUITS ON THE STATION PLATFORMS OF THE EAST INDIAN RAILWAY LOOP LINES.

1480. **\*Mr. Goswami M. R. Puri** (on behalf of Rai Bahadur Sukhraj Roy): (a) Will Government be pleased to state the names of the firms who have got contracts for the sale of books, sweetmeats, tea and fruits on the station platforms of the East Indian Railway Loop Lines?

(b) On what stations are there book-stalls?

(c) Is there any book-stall on any Railway station between Jamalpur and Sahebganj? If not, why not?

(d) Are Government aware that Bhagalpur is a bigger town than either Jamalpur or Sahebganj?

(e) Is it permissible for any other person to maintain a book-stall at Bhagalpur if Wheeler and Company refuses to open one there?

(f) Is it a fact that Bhagalpur is the second largest town in Bihar?

(g) Are Government aware that the total daily sale of daily newspapers in Bhagalpur exceeds 500 in number?

**Mr. P. R. Rau:** Government have no information. I have sent a copy of the question to the Agent, East Indian Railway, for consideration of the suggestions implied in the question.

#### PRESENT SITUATION IN SOUTH AFRICA.

1481. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. C. S. Ranga Iyer): Will Government be pleased to make a statement on the present situation in South Africa and to what extent the South African Government have proceeded with the plans agreed to by the Indian Delegation since the last Cape Town Conference?

**Mr. G. S. Bajpai:** I have nothing to add, Sir, to the information I gave to this House on the 12th September last.

#### SIR HARCOURT BUTLER HIGH SCHOOL, SIMLA.

1482. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Is it a fact that the Sir Harcourt Butler High School, Simla, receives from the Government of India an extra grant in addition to the usual annual grant?

(b) Is it a fact that this extra grant was sanctioned for making the school moving between Delhi and Simla for providing educational facilities to the children of the migratory staff?

(c) Are Government aware that the said school is not in a position to meet the requirements of all the children of the migratory staff of the Government of India? If so, do they propose to make an inquiry into the matter?

(d) Are Government prepared either to make arrangements with the Harcourt Butler High School authorities to provide accommodation for all the children of the migratory staff or to start a new moving school under their own management to ease the situation?

**Mr. G. S. Bajpai:** (a) and (b). The Government of India make only one annual grant to the Harcourt Butler School, Simla, and that is made to enable it to move between Simla and New Delhi.

(c) and (d). Government have no precise information on the point, nor have they received representations in regard to it from those concerned. If representations are received, they will be carefully considered.

#### PROTECTION TO THE INDIAN SALT INDUSTRY.

1483. **\*Kumar Gupteshwar Prasad Singh** (on behalf of Mr. B. Das): (a) Will Government be pleased to state the purpose of the special enquiry on salt trade now being carried on at Calcutta?

(b) Do Government propose to give permanent protection to the Indian salt industry?

**The Honourable Sir George Schuster:** (a) The enquiry is being held in accordance with section 4 of the Salt (Additional Import Duty) Act to enable the Government to decide whether circumstances exist that would justify an enhancement of the import duty on foreign salt under that section.

(b) I am not in a position to say.

**ACTION TAKEN ON THE DEBATE IN THE LEGISLATIVE ASSEMBLY ON THE BURMA FINANCIAL QUESTION.**

1484. **\*Kumar Gupteshwar Prasad Singh** (on behalf of Mr. B. Das): (a) Will Government be pleased to state what action they took on the Assembly debates on the Burma financial question?

(b) Was the debate forwarded to the British Government?

(c) Will Government be pleased to state whether the arbitration board to consider the Burma question has been set up? If not, why not?

**The Honourable Sir Brojendra Mitter:** (a) and (b). In accordance with the undertaking given by my Honourable colleague, the Finance Member, on the 6th April, 1982, in replying to the debates, a copy of the Report by the Standing Finance Committee on the Howard-Nixon Memorandum and of the debates in this House on the 5th and 6th April, 1982, has been forwarded to His Majesty's Secretary of State for India.

(c) The arbitration board has not been set up. As he informed the House already, the decision regarding the time when the arbitration is to take place rests with His Majesty's Government.

**Mr. S. G. Jog:** In view of the recent election do Government think that there is no necessity for an arbitration board?

**The Honourable Sir Brojendra Mitter:** As I have already answered in reply to part (c), this is a matter which rests with His Majesty's Government.

**EXPERT COMMITTEE RECOMMENDED BY THE RAILWAY RETRENCHMENT SUB-COMMITTEE.**

1485. **\*Kumar Gupteshwar Prasad Singh** (on behalf of Mr. B. Das): (a) Will Government be pleased to state whether they are going to appoint the expert committee as recommended by the Railway Retrenchment Sub-Committee?

(b) Has the personnel of this expert committee been decided? If so, what are they? When is the Committee likely to meet?

**The Honourable Sir Joseph Bhore:** (a) As it was found impossible to get together a suitable expert Committee this year, the Government of India have decided to modify the plan of procedure originally contemplated. Sir Josiah Stamp, President of the Executive of the London, Midland and Scottish Railway, has offered Government the services of the officer who was mainly responsible under the President for the economy campaign on that Railway. The Government of India have accepted this offer, and the officer, Mr. Pope, is due to arrive in India on December 8th. The best way of utilising Mr. Pope's services is still under consideration.

(b) It is proposed to postpone the full independent enquiry originally proposed till next cold weather when it is hoped that it will be possible to obtain the services of suitable experts. The task for these experts will, the Government of India feel, be very much facilitated by the results of the technical investigation to be conducted under the guidance of Mr. Pope.

**PROMOTIONS FROM CLERKS CLASS II TO CLERKS CLASS I IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.**

1486. \***Shaikh Fazal Haq Piracha:** (a) Is it a fact that promotions from clerks class II to clerks class I in the office of the Controller of Railway Accounts are made not on the basis of the departmental examination as laid down in Financial Commissioner's Memorandum No. 5565-F. of July, 1929?

(b) If so, will Government please state why this departure is allowed in the case of the staff of the Controller's Office, when in the offices of the Chief Accounts Officers such promotions are made as a result of Appendix 'C' examination?

(c) Are Government prepared to consider the desirability of introducing some sort of test for such promotions?

**Mr. P. R. Rau:** (a) Yes.

(b) The rules referred to have not been made applicable to the office of the Controller of Railway Accounts. This office is a comparatively small one and the scales of pay and the nature of the work of the clerical staff are not the same as in the Accounts Offices.

(c) Government do not consider that there is any necessity for introducing an examination in this office. The number is so small that the work of each man comes under direct scrutiny by a gazetted officer in the office, and consequently the selection of men fit for promotion presents no difficulties.

**HOURS OF ATTENDANCE IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.**

1487. \***Shaikh Fazal Haq Piracha:** (a) Are Government aware of the Home Department decision that no reduction of establishment can be effected by extending office hours?

(b) If so, will Government please state why the hours of attendance in the office of the Controller of Railway Accounts are fixed from 10 A.M. to 5 P.M.? Is it a fact that most of the other offices located in the Secretariat buildings observe six hours working day?

**Mr. P. R. Rau:** (a) The question of extending office hours in Secretariat offices generally was considered by the Government of India some time ago and dropped as it was thought that it was unlikely that any reduction of establishment could be effected by adopting such a procedure.

(b) The hours of attendance in the office of the Controller of Railway Accounts are as stated by the Honourable Member, but provide for a recess of half an hour. Secretariat offices generally observe a full 6 hours working



day. I understand the hours of attendance in the office of the Controller of Railway Accounts were altered in May, 1931, following the orders revising the hours of work in railway accounts offices in general. In his report of 1927, Sir Arthur Dickinson had drawn attention to the short hours worked in the accounting and audit departments of Indian Railways.

**AMOUNT CHARGED MONTHLY FROM THE CLERKS OF DELHI POST OFFICE OCCUPYING POSTAL QUARTERS.**

**1488. \*Shahk Fazal Haq Piracha:** (a) Is it a fact that Rs. 2-9-0 are charged monthly from the clerks of Delhi Post Office occupying postal quarters and that such charges are no longer recovered from the staff of the office of the Director General, Posts and Telegraphs, occupying departmental quarters to whom refunds have been allowed on account of such deductions in the past?

(b) If so, will Government please state why refunds have not been sanctioned for the amount so far charged in excess from the postal clerks?

**Mr. T. Ryan:** (a) If I understand that the Honourable Member refers to recoveries of rent for water meters and electric meters; the reply is in the affirmative.

(b) The matter has already been taken up with the Postmaster General, Punjab and North-West Frontier Circle.

**Mr. K. Ahmed:** Since this matter is under consideration for such a long time, do Government propose to expedite it?

**Mr. T. Ryan:** Steps have already been taken to expedite the disposal of it.

**APPOINTMENT OF THE CHIEF SUPERINTENDENT IN THE FINANCE DEPARTMENT.**

**1489. \*Mr. S. O. Mitra:** (a) Is it a fact that Mr. Grice has been appointed Chief Superintendent in the Finance Department?

(b) Is he not the juniormost Superintendent in the Department?

(c) Was it not stated in reply to a question in the Assembly that it had not been decided to appoint him as Chief Superintendent?

(d) What are the special reasons for appointing him Chief Superintendent superseding the claims of his seniors? Were they found all inefficient or incompetent?

(e) Are not Mr. Grice's senior Superintendents all Indians? Is that the reason for their supersession?

**The Honourable Sir George Schuster:** (a) and (c). Yes.

(b) No.

(d) I would refer the Honourable Member to the reply given to part (c) of question No. 435 asked by him and parts (a) and (b) of question No. 474 asked by Sardar Sant Singh during the last September Session.

(e) The reply to the first part is 'Yes' and to the second 'No'.

**SALE OF MINERAL WATERS, AERATED WATERS, ICE, ETC., ON THE EAST INDIAN RAILWAY.**

1490. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Gaya Prasad Singh):

(a) Is it a fact that Carlsbad Company, Calcutta, have been given a monopoly contract for the sale of mineral waters, aerated waters, ice, etc., on the East Indian Railway? If so, since when, and for how long? Were tenders called? If not, why not? If tenders were called, whose tender was the lowest?

(b) Is it a fact that instructions were issued about March last by the East Indian Railway authorities, requiring all Indian Refreshment Rooms (Hindus and Muhammadans) on the East Indian Railway to purchase mineral and aerated waters, etc., exclusively from the Carlsbad Company, whereas such instructions have not been issued on Kellners' Refreshment Rooms who are allowed to keep their own mineral and aerated waters, etc., for sale? Why is this differentiation and favouritism shown to the Carlsbad Company? Are Government aware that the charges of the Carlsbad Company are generally higher than those of others, many of whom are Indians?

(c) Do Government propose to take necessary steps so that conditions are equalized in this respect between Indian and European Refreshment Rooms, and that no monopoly is given to an English Company?

(d) Are Government aware that an impression prevails that many Railway officials are promoting the Carlsbad Company?

**Mr. P. R. Rau:** The Agent, East Indian Railway, has been asked to furnish the information asked for. I will lay a reply on the table of the House in due course.

**Mr. M. Maswood Ahmad:** Will the Honourable Member also inquire whether Government got any amount or do get any amount out of this monopoly being given to Carlsbad Company?

**Mr. P. R. Rau:** I will send a copy of that question also to the Agent of the East Indian Railway.

**Mr. Lalchand Navalrai:** May I know if there is a monopoly of a similar nature on the other Railways with regard to the proprietors of refreshment rooms?

**Mr. P. R. Rau:** If my Honourable friend will give me details of the information in his possession, I shall be glad to consider the matter.

**Mr. Lalchand Navalrai:** For instance, have the Spencer & Co., who are in charge of refreshment rooms for a long time, got any monopoly?

**Mr. P. R. Rau:** I do not think that can be considered as a monopoly. So far as I am aware, these contracts are given after public tender.

**Mr. Lalchand Navalrai:** Who asks for these tenders? Is it the Agent or somebody else?

**Mr. P. R. Rau:** It must be the Agent of the line.

**Mr. M. Maswood Ahmad:** Is it published in the papers that tenders are wanted for these contracts?

**Mr. P. R. Rau:** Presumably so, but if my Honourable friend wants detailed information on this matter, I would advise him to put a question on paper.

**SUPPLY OF WINTER UNIFORMS TO THE ANGLO-INDIAN TICKET COLLECTORS ON THE NORTH WESTERN RAILWAY.**

**1491. \*Mr. Gaya Prasad Singh:** (a) Is it a fact that winter uniforms have been supplied to Anglo-Indian ticket collectors on the North Western Railway, but the Indian ticket collectors of the same grade have not been supplied any uniform this year? If so, why?

(b) Is it a fact that a circular was issued by the Agent, North Western Railway, or other authority that no uniform will be supplied this year to the ticket checking staff? If so, will Government please state why the Indian staff alone have been deprived of their uniform this year?

**Mr. P. R. Rau:** I have called for information and will lay a reply on the table in due course.

**NUMBER OF SUPERINTENDENTS AND ASSISTANT POSTMASTERS GENERAL IN THE CENTRAL CIRCLE.**

**1492. \*Mr. M. Maswood Ahmad:** Will Government be pleased to state the total number of appointments of Superintendents and Assistant Postmasters-General in the Central Circle and the number of such appointments held substantively by Muslims?

**The Honourable Sir Frank Noyce:** The total number of such appointments is 13, one of which is held substantively by a Muslim.

**MUSLIM AND NON-MUSLIM DEPARTMENTAL OFFICIALS SELECTED FOR THE POSTAL SUPERINTENDENTS' EXAMINATION FROM THE CENTRAL CIRCLE.**

**1493. \*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the total number of Muslim and non-Muslim departmental officials selected for the Postal Superintendents' examination from the Central Circle during the last 12 years?

(b) Is it a fact that only one Muslim departmental official was selected from the Central Circle for the Superintendents' examination during the last 12 years?

(c) Do Government propose that in future chances will be given to Muslims to appear in the Postal Superintendents' examination?

**The Honourable Sir Frank Noyce:** (a) and (b). It is regretted that the information asked for is not readily available and Government do not consider that the time and labour involved in collecting it would be commensurate with the end in view.

(c) The nomination of Departmental subordinates for admission to the examination for appointment of Superintendents of Post Offices is made by the Heads of Circles, irrespective of communal considerations. Such

candidates only are nominated who after careful enquiry into their work and conduct are found to be of outstanding ability, vigour and enterprise. Muslims who possess these qualities have the same chance of nomination as members of other communities.

Though as I have explained, communal considerations do not prevail, I may mention for the Honourable Member's information that of 16 officials selected from all circles for admission to the last examination five were Muslims, five were Hindus and the rest were members of other communities.

#### TRANSFER OF POSTAL OFFICIALS AFTER A TENURE OF THREE YEARS.

1494. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether many Hindus like the present Head Clerk of the Establishment Branch, Nagpur Postal Circle Office, have been holding the post for over three years and that their transfer is overdue?

(b) Do the rules require transfer of officials after a tenure of office for three years?

**The Honourable Sir Frank Noyce:** (a) and (b). Information in respect of part (a) has been called for, on receipt of which a reply to the whole question will be laid on the table.

#### COMMUNAL COMPOSITION OF RECORD AND SUB-RECORD CLERKS AT PHULERA.

1495. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that out of the ten record and sub-record clerks, there is only one Muslim record clerk at Phulera?

(b) If so, do Government propose to give the Muslims their due share in these appointments?

**The Honourable Sir Frank Noyce:** (a) and (b). Government have no information and consider that no useful purpose would be served by calling for it as the orders for the adjustment of communal inequalities apply only to new recruitment in a service and not to postings of officials already in the service.

#### PREPONDERANCE OF NON-MUSLIMS IN THE MULTAN POSTAL DIVISION.

1496. **\*Mr. M. Maswood Ahmad:** Has the attention of Government been drawn to the letter, dated the 28th October, 1932, sent by Khan Bahadur Makhdom Syed Rajan Bakhsh Shah, to the Honourable Member, Sir Frank Noyce (a copy of which was also sent to the Director General, Posts and Telegraphs, Delhi, and Post Master General, Punjab and North-West Frontier Circle, Lahore, by names) regarding preponderance of non-Muslims in the Multan Postal Division? If so, what action has so far been taken on the letter, or do Government propose to remove either the Hindu Superintendent or his Hindu Head Clerk and Hindu Inspector of Post Offices, Multan?

**The Honourable Sir Frank Noyce:** Government have seen the letter which referred to the paucity of Muslims in the supervisory staff of the Multan Postal Division. No action was, or is proposed to be, taken upon it as such postings are not made on the basis of communal representation.

# TRANSFER OF THE CLERKS OF THE OFFICE OF THE SUPERINTENDENTS OF POST OFFICES.

1497. **\*Mr. M. Maswood Ahmad:** Is it a fact that orders have been issued regarding the transfer of the clerks of the offices of the Superintendents of Post Offices who have served for five years or more? Will Government be pleased to intimate if these orders have actually been carried out in the Multan Division? If the reply be in the affirmative, will Government be pleased to state whether a Hindu clerk working for the last seven years is still kept there and a Muslim clerk who worked for a lesser period was transferred from the Divisional Office first?

**The Honourable Sir Frank Noyce:** The reply to the first part of the question is in the negative. The only clerk in the office of a Superintendent of Post Offices for whose periodical transfer orders exist is the Head Clerk, and in this connection the Honourable Member's attention is invited to the reply given in this House to Mr. P. G. Reddi's starred question No. 769 on September the 26th, 1932. The remaining parts of the question do not arise.

## UNSTARRED QUESTIONS AND ANSWERS.

### DEPUTATION OF NON-MUSLIM MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE RAILWAY BOARD TO DISCUSS THE REPRESENTATION OF MUSLIMS IN THE RAILWAY SERVICES.

214. **Mr. M. Maswood Ahmad:** (a) Is it a fact that some non-Muslim Members of the Legislative Assembly led a deputation this year to the Railway Board to discuss Mr. Hasan's Report and the representation of Muslims in the Railway Services?

(b) If so, will Government please place a copy of the proceedings of the deputation on the table of the House?

**Mr. P. R. Rau:** (a) No.

(b) Does not arise.

### POLICY FOR SELECTIVE PROMOTIONS IN THE RAILWAY ACCOUNTS BRANCH.

215. **Mr. Gaya Prasad Singh:** (a) Will Government please state what their policy for selective promotion is in the Railway Accounts Branch?

(b) Do they look for selective ability from workers in the same grade or do they pick and choose a worker from any grade for any work so far as the accounts department is concerned?

(c) In the event of selective promotion being made from the subordinate to the official ranks in an officiating capacity among staff with a permanent status in the Railway Accounts Branch, will Government please state whether the holder of such selective promotion will be entitled to a seniority over other incumbents officiating in the same grade if he drew more pay by the process of selective promotion?

(d) If the answer be in the affirmative and other things being equal among the officiating incumbents, will Government please state whether reversion from that grade or confirmation in that grade will be regulated by seniority? If not, why not?

**Mr. P. R. Rau:** I would refer the Honourable Member to the Rules for determining the relative seniority of the non-gazetted staff in State Railway Accounts Offices, a copy of which has been placed in the Library of the House.

**BRITISH TRADE AGENT, GARTOK.**

**216. Shaikh Fazal Haq Piracha:** (a) Is it a fact that the present British Trade Agent, Gartok, is a sub-assistant surgeon? If so, will Government please state what kind of duty he has to perform in Tibet?

(b) Is it a fact that the British Trade Agent is an executive officer there? If so, will Government please state whether he himself makes enquiries and decides cases of civil and criminal nature and often represents the British subjects' cases in the Courts of the Tibetan officers?

(c) Will Government please state what sort of civil and criminal experience he has got, what Court procedure he knows, and what sort of training he has gained in this line? Will Government please state the reason for the appointment of a sub-assistant surgeon as British Trade Agent?

**Mr. H. A. F. Metcalfe:** (a) Yes. Apart from his medical duties the functions of the Trade Agent include the exercise of magisterial jurisdiction over British subjects accused of offences and the settlement of disputes between British and Tibetan subjects in personal conference with the Tibetan authorities.

(b) The reply to both parts of this question is in the affirmative.

(c) The present Trade Agent has many years' experience of the work which he is at present called upon to perform. He was appointed to the post because he was considered to be better qualified by experience and character than any other candidate.

**GARTOK BRITISH TRADE AGENCY.**

**217. Shaikh Fazal Haq Piracha:** (a) Will Government please state whether the General Purposes Retrenchment Sub-Committee have examined the case of the Gartok British Trade Agency? If so, what steps have they suggested to make savings in the Agency administration?

(b) Is it a fact that there is a proposal under consideration of the Government to put only one officer in sole charge of the Agency? If so, will Government please state what means they have devised to have a keen check on his work at a distance of more than 400 miles away?

**Mr. H. A. F. Metcalfe:** (a) Yes. The General Purposes Sub-Committee have recommended that the Gartok Trade Agency should be amalgamated with that of Simla Agency and that the two posts of Trade Agent and Accountant should be combined. The proposals are under consideration.

(b) Yes. The proposal is still under consideration.

**GARTOK BRITISH TRADE AGENCY.**

**218. Shaikh Fazal Haq Piracha:** (a) Is it a fact that the annual cost of the Gartok British Agency staff was Rs. 5,200 odd from 1925 to 1928 and Rs. 7,400 odd from 1930 to 1932, i.e., a net increase of about Rs. 2,200?

(b) Will Government please state what sort of special work has been done and what kind of special intelligence, ability and efficiency has been shown by the present staff in return for an increase of an exorbitant amount of Rs. 2,200 per annum?

**Mr. H. A. F. Metcalfe:** (a) No. The expenditure has been materially reduced since 1925.

(b) Does not arise.

#### ALLOWANCES DRAWN BY THE SUPERIOR STAFF OF THE GARTOK BRITISH TRADE AGENCY.

**219. Shaikh Fazal Haq Piracha:** Is it a fact that the present superior staff of the Gartok British Agency is drawing Rs. 12 (Rs. 8+Rs. 4) as daily allowance (travelling allowance)? If so, are Government prepared to reconsider, from the point of view of economy, the Gartok Agency's case and revise the very old scale of pay?

**Mr. H. A. F. Metcalfe:** No. The present rate of daily allowance for the British Trade Agent and the Accountant is Rs. 6 a day. In addition they draw mileage allowance of  $-\frac{3}{4}$  for every mile in excess of 15 miles march. The pay of the British Trade Agent is Rs. 300 during 7 summer months and Rs. 200 during 5 winter months. The Accountant draws a uniform rate of pay of Rs. 100 per mensem. The question of revising the existing rates of pay and allowances is under consideration.

#### STATEMENTS LAID ON THE TABLE.

**The Honourable Mr. H. G. Haig** (Home Member): Sir, I lay on the table the information which was promised in reply to starred question No. 1197 asked by Sardar Sant Singh on the 15th November, 1932.

#### NUMBER OF SIKHS ARRESTED IN THE CENTRAL PROVINCES AND IN THE UNITED PROVINCES OF AGRA AND OUDH FOR WEARING KIRPANS.

\*1197. (a) Three Sikhs were arrested in the Central Provinces in 1932 for carrying swords. No Sikhs were arrested in the United Provinces.

(b) Of the three cases referred to, a sentence of nine months' rigorous imprisonment was imposed by the trial court in one case but this was reduced on appeal by the Sessions Judge to the period of imprisonment already undergone. In the two other cases, the accused were acquitted.

(c) The kirpans were full sized swords.

(d) Government are aware of the High Court ruling referred to. Swords are exempted from the operation of the Arms Act in most of the districts in United Provinces. There is no such exemption in the Central Provinces.

**Mr. G. S. Bajpal** (Secretary, Department of Education, Health and Lands): Sir, I lay on the table the information promised in reply to starred question No. 1268 asked by Seth Haji Abdoolah Haroon on the 16th November, 1932, and the information promised in reply to part (c) of starred question No. 488 asked by Mr. Nabakumar Sing Dudhoria on the 20th September, 1932.

#### COLLECTION OF LOCAL CESS FROM ZAMINDARS IN BRITISH BALUCHISTAN.

\*1268. (a) No.

(b) Does not arise.

## INDIAN MEDICAL COUNCIL BILL.

\*488. (c) According to the latest information available there are 29,066 registered medical practitioners in India of whom 447 are members of the Indian Medical Service.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table the information promised in reply to starred question No. 632 asked by Mr. A. H. Ghuznavi, on the 22nd September, 1932.

## INCOME OF STATE RAILWAYS FROM FARES.

\*632. On the East Indian Railway the passenger fares were enhanced from 1st October, 1931, for distances over 100 miles under first and second class, over 50 miles under third class and for all distances under intermediate class. The total earnings under the respective classes for the months of October, 1931, to January, 1932, as compared with the corresponding period of the previous year, were as follows :

	1st October, 1931, to 31st January, 1932.	1st October, 1930, to 31st January, 1931.
	Rs.	Rs.
First Class . . . . .	4,74,494	5,26,029
Second Class . . . . .	7,90,164	8,55,328
Inter Class . . . . .	13,19,172	14,01,595
Third Class . . . . .	1,38,43,123	1,46,08,226

On the Great Indian Peninsula Railway, the fares were enhanced from the same date for distances up to 150 miles under first, second and third class and up to 300 miles under intermediate class.

The comparative total earnings for the four months in question, were as shown below :—

	1st October, 1931, to 31st January, 1932.	1st October, 1930, to 31st January, 1931.
	Rs.	Rs.
First Class . . . . .	7,26,068	8,31,357
Second Class . . . . .	8,42,560	10,03,592
Inter Class . . . . .	2,23,831	2,61,672
Third Class . . . . .	91,16,054	89,68,093

On the North Western Railway, the passenger fares were enhanced from 1st October, 1931, for distances up to 150 and over 300 miles under first and second class and for distances over 50 miles in respect of third class. The total earnings for the four months October, 1931, to January, 1932, as compared with the corresponding figures of the previous year were as follows :—

	1st October, 1931, to 31st January, 1932.	1st October, 1930, to 31st January, 1931.
	Rs.	Rs.
First Class . . . . .	4,76,307	4,61,280
Second Class . . . . .	7,97,622	8,57,924
Inter Class . . . . .	9,00,690	11,57,222
Third Class . . . . .	1,35,08,000	1,50,93,157



## THE CRIMINAL LAW AMENDMENT BILL—contd.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadan Rural): Sir, I beg to move:

"That in sub-clause (1) of clause 4 of the Bill, for the word 'five' the word 'two' be substituted."

That is to say, I want to have Rs. 200 as the maximum amount of fine instead of Rs. 500. Sir, our thanks are due to the Honourable the Law Member and the Honourable the Home Member for their goodness and wisdom in withdrawing the previous amendment which related to the term of imprisonment. But I think the compliment is premature until I find that they are in a mood to accept the present amendment side by side with the previous one. By their tabling the previous amendment it is clear that they wanted to have a term of six months' imprisonment and it is also clear that they regarded Rs. 500 as a reasonable amount which could be placed by the side of six months' imprisonment. Now that they have come down to accept three months as the term of imprisonment, it is up to them to be satisfied with a fine of Rs. 200 or some such other reasonable amount. Otherwise they will lay themselves open to the charge that Government are out to make money by these enactments. The popular notion is that in these days of financial stringency Government rely more on fines than on imprisonments: otherwise they would not have imposed such a heavy fine as Rs. 20,000 or forfeited the deposit of the same big amount for technical offences. These are not my only grounds. There is another ground. The proposed law must be consistent with the law which is already in existence in respect of similar other offences. There is a section in the Indian Penal Code, section 187, which speaks of omission to assist a public servant, when bound by law to give assistance. What is the amount of fine prescribed there? The amount of fine prescribed there is Rs. 200 only. If Rs. 200 is regarded as a reasonable amount for omission to assist a public servant when a person is bound to do so by good law, I think the same amount will be regarded as sufficient for omission to do a thing which a man is bound to do by bad law or at least questionable law. The next section, section 188, speaks of disobedience to order duly promulgated by a public servant. There also the fine is Rs. 200 only. If that amount is regarded as sufficient for disobedience to law, I think the same amount should be regarded as sufficient for disobedience to custom. It is needless to prolong my speech. The points are clear and I hope they will be accepted by the Government.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Amendment moved:

"That in sub-clause (1) of clause 4 of the Bill, for the word 'five' the word 'two' be substituted."

**The Honourable Mr. H. G. Halg** (Home Member): Sir, this amendment carries perhaps with it a lesson to Government. On Thursday evening, in deference to a certain feeling in the House, we decided not to press the amendment which we had tabled for the increase of the period of imprisonment from three to six months. Up to that time it had not occurred to any Honourable Member that the amount of fine of Rs. 500 was excessive; but the moment we agreed not to press our amendment, the Honourable Pandit Satyendra Nath Sen put in an amendment to reduce the amount of fine. As I say, that carries with it perhaps a lesson. The

Government in this matter take their stand on the recommendation of the Select Committee. The Select Committee proposed that the punishment for this offence should be three months' imprisonment or fine of Rs. 500, or both; and we see not the slightest reason for departing from that conclusion. It is impossible to discover any strictly logical relation between the amount of imprisonment and the amount of fine by going through the various punishments sanctioned in the Indian Penal Code. This was the punishment which commended itself to the Select Committee and I see no reason whatever for departing from their conclusion. I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 4 of the Bill, for the word 'five' the word 'two' be substituted."

The motion was negatived.

**The Honourable Sir Brojendra Mitter** (Law Member): Sir, I move:

"That at the end of *Explanation* to sub-clause (1) of clause 4 of the Bill, the following be added:

'but includes also a person in the Military, Naval or Air Service of His Majesty'."

Sir, we are dealing with the meaning of the term "public servant". The mischief at which this clause is aimed is directed as much against persons belonging to the Military, Naval and Air Service as to any other servants of Government; it is necessary, therefore, that protection should be extended to these public servants. The amendment means that the scope of the expression "public servant" be extended to persons in the Military, Naval or Air Service of His Majesty. Sir, I move.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, may I ask whether this particular question was discussed in the Select Committee and, if so, what was the decision of the Committee? If the Government was defeated in the Select Committee what fresh condition developed to bring the matter before the Assembly again? In this particular clause we have really yielded to a very large extent, because under this clause all privileges of Government servants are safeguarded and there is absolutely no question about payment at all. If the Government servants refuse to pay for all these gratifications, then I wonder what would happen. Had the privileges been extended to the Members of the Assembly, then the first thing I would have done is that I would have refused payment of the rent to the Secretary of the Assembly. So I think I should like to know how the Government servants would use this clause. May I know exactly the decision of the Select Committee on this particular point?

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I do not exactly remember if Government wanted to have this sub-clause added in the Select Committee, but a similar question arose in another connection. As I come from a province where the military is not recruited and where we are deprived of this privilege of recruiting soldiers for His Majesty's Army as also for the Navy and the Air Force, personally

[Mr. S. C. Mitra.]

we are not very much concerned; but if I remember aright, it was Sir Muhammad Yakub, who is unfortunately absent just now, who raised the question that soldiers, whenever they come out on leave make very many demands on the people. As a matter of fact, he said that they were wont to tyrannise over their co-villagers and, on that account, Sir Muhammad Yakub proposed that soldiers on leave at least should not be considered as public servants; and, to answer my friend, Dr. Ziauddin, who comes from the same province, I must say that from our part we have not much objection to this clause; but if it is a fact in other provinces where soldiers on leave make these unusual demands and tyrannise over others, they can certainly object and we shall vote with them.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official): Sir, although I had no idea to take part in this debate on the Ordinance Bill, yet I feel that I will not be fulfilling my duty if I do not put before the House the view points of the hundreds of thousands of those brave and honest Indian soldiers who are responsible for the defence and internal security of this country. Sir, at this time when the reforms are being introduced in India, when communal questions are being  
 12 Noon: solved, when every community is fighting for their respective rights and safeguards, I fail to understand why the Indian soldier is meted out a step-motherly treatment.

In the Ordinance Bill now before the House, I am surprised to see that an Indian soldier is not included in the definition of a public servant. If an Indian soldier is not to be considered a public servant, I cannot understand who else should. A servant of a local body or an employee of a public utility service, even a village *chowkidar*, a railway signal man,—all these are accepted as public servants, but a soldier, who is the backbone of, and responsible for the existence of good order and peace of, the country, who fights your battles and who is the real pivot of the Government of the country, is excluded from protection. History shows that in any country where the army is tampered with, the results are disastrous. . . .

**Dr. Ziauddin Ahmad:** Do you guarantee that they would pay for what they buy from the market?

**Captain Sher Muhammad Khan Gakhar:** The Honourable House need not be reminded of the consequences of such tampering with soldiers in Russia and Afghanistan lately. The sepoy cannot afford to see the Indian army tampered with. Is there any reason to exclude him from the cadre of public servant? Is he not paid by the country? Is he not governed by the Indian Army Act? If the answers are in the affirmative, as surely they are, then he must be considered a public servant for the purpose of this Bill. Does not this House think of extending the same protection to the wives and children of soldiers which they gladly accede to civil employees? I must point out that during the last non-co-operation movement sepoys and their families were coerced in order to make the sepoys resign from service. Dealers in commodities of daily requirements in many places refused to deal with the soldiers and their families in order to induce the sepoys to leave the army.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Are there any such instances?

**Captain Sher Muhammad Khan Gakhar:** Yes, there are many, and I can quote them. Early in 1930, instances were reported of the boycott by Congress agents of Indian troops and their families, with the object of undermining their loyalty. Various means were adopted, namely, (1) general molestation and ill-treatment of soldiers on leave; (2) Pressure on soldiers, through their relatives, to leave the army, and (3) interference with marriage ceremonies. My Honourable friend from Bombay quoted some instances the other day from a civil point of view, but I will cite a few instances from the soldiers' point of view. (1) Banias of Bhim Tal and Kathgodam refused to sell food and cigarettes to sepoy of the 1/3rd Gurkha Rifles. The sepoys were also abused for serving the Government. (2) One Lance Naik of the Rajputana Rifles was beaten by four Congress agents . . .

**Mr. B. V. Jadhav:** But they were not on leave; they were on duty, is it not?

**Captain Sher Muhammad Khan Gakhar:** When he refused to leave the army, they threatened to bring a false charge against him. (3) The Golden Temple at Amritsar was picketed by women who prevented Sikh soldiers entering unless they wore *khaddar*. (4) Pressure was brought on relatives of a sepoy of the 4/14th Punjab Regiment to compel him to leave the Army. Congress activities in these directions continued throughout 1931 and, in spite of vigorous counter propaganda and measures instituted by the Army itself, the situation showed very little improvement. The agents selected to carry out this particular Congress propaganda were scrupulously careful in avoiding the commission of offences against the ordinary laws of the country then in force, and, in the absence of any special legislation, the Government were powerless to intervene. Ordinary crimes are dealt with by the ordinary laws of the country, but extraordinary crimes should be dealt with by extraordinary laws. As a Persian Poet says:

"From the joys and sorrows of the world do not be much happy or disheartened. The law of the world is sometimes like this and sometimes like that."

Well, Sir, it is fortunate that the army recruiting organization was not at any time seriously embarrassed. This was, however, merely due to the fact that the supply of potential recruits invariably exceeds the normal demand. Had not, however, the Ordinance been introduced and this part of Congress programme allowed to continue unchecked, there is no doubt that in course of time the supply of suitable recruits for the army would have been seriously jeopardised.

Sir, it grieves me to find that the very man to whom some credit of this great awakening in the country is due, who went to the Great War in lakhs, who died cheerfully fighting your battles with one object in view that India and the fair name of India should live, is evidently receiving an unfair treatment at the hands of this Honourable House who are the representatives of this great country. Let not the army call you ungrateful. Let them not think that the House, in spite of their gallant deeds in the war, is not doing justice to them. In conclusion,

[Capt. Sher Muhammad Khan Gakhar.]

my submission is that a soldier should be treated like other public servants and should be afforded the same, if not more, protection. This object can be gained by including soldiers in the definition of public servants.

**Dr. Ziauddin Ahmad:** How will you protect the public from the excesses of soldiers?

**Captain Sher Muhammad Khan Gakhar:** There are no excesses on the part of the soldiers.

With these few remarks, Sir, I support the amendment moved by the Honourable the Law Member. (Applause from Government Benches.)

**Mr. Nabakumar Sing Dudhoria** (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I beg to oppose the amendment moved by the Honourable the Law Member. I need hardly point out that the Select Committee in which the Government had admittedly the prevailing voice has quite widely and adequately covered the ground in the *Explanation* appended to clause 3. All manner of people, even railway, municipal and local board officials have been included in the term "public servant" for the purposes of this clause. I admit that the inclusion of Military, Naval and Air Force people in the expression "public servant" will not be irrelevant or illegal in any way; they are really public servants, but to include them specifically for purposes of this clause portends potential danger and injustice, because not unoften relations between those people and the ordinary people in society are quite delicate and rest on very thin ground. Any offending case on the part of the ordinary people, though reasonable and justifiable from the civilian's point of view, will be so construed by them for purposes of military exigency and the like as to bring it under "refusal to deal with", whenever they will be pleased to put on such interpretation on such a case. Again, Sir, as such cases will come up for trial before Military officials also, it is our legitimate apprehension that cases of complaint will be construed quite rigidly and punished even on the flimsiest grounds. I would, therefore, keep aloof the military people from the purview of this clause, as their coming in spells danger and disaster to us, especially when military rule has recently been substituted in many places for the civil rule. On the other hand, the Military, Naval and Air Force people will not suffer anywhere, as, wherever they will have occasion to go, they will obtain the assistance of the civil authorities. In cantonment areas, there is hardly any need yet to extend the operations of this Bill. In case occasion will arise in cantonment areas to cope with the civil disobedience, the existing Cantonment Law is quite adequate to meet such a contingency. With these words, Sir, I oppose the amendment.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, in view of the fact that the Government have learnt the lesson after having withdrawn their amendment yesterday, I am not hopeful that an amendment like this will again be withdrawn. It would not have been necessary for us to spend our breath for opposing this amendment had it not been for the fact that certain things which have been stated by my friend hailing from the North-West Frontier Province require rebutting.

**An Honourable Member:** He is from the Punjab, and not from the North-West Frontier Province.

**Mr. Amar Nath Dutt:** I know that he loves me, for I lived in his province in my boyhood. In spite of that I am sorry that I have to differ from him on certain facts which he has been pleased to narrate before this House. He has spoken of the "brave hundred thousand soldiers" serving their country. I yield to none in my appreciation of the services that these soldiers may at one time or another be called upon to render in defending our hearths and homes, but, except for the political atmosphere which is not very peaceful, I think that we may consider that India enjoys peace from foreign aggression or foreign invasion, and that being so, I think that we need not bother ourselves too much about the services of these "brave hundred thousand soldiers" for which we have had no occasion, at least since the days of the Indian Sepoy War, to be grateful.

I shall give my friend another instance. I will request him to acquaint himself with the doings of some of these "brave hundred thousand soldiers" who are now in my own unhappy province, passing through Midnapore, Bankura, Dacca and other districts. Midnapore has been too much in the public gaze for some time past, and it has been found necessary to send soldiers over there to make an impression upon the people. Certainly not to put down any rebellion about which myself or my Honourable friend, the Home Member, may be aware of. We have heard of several acts of oppression practised by these soldiers on the people of the locality. In fact, a gentleman, who is in the confidence of the Government, was travelling with me the other day, and he hailed from Bankura. He narrated to me the details, forgetting that I happened to be a Member of this Assembly. Then he at once checked himself and said: "I hope you will not use these matters". Look at the atmosphere that has been created, the mentality that has been created by these laws in that part of the country. He said: "I hope you are not going to refer to these things. Treat these as confidential". I said I shall not disclose the name of the person, but that at the same time I shall be bound to state if not the whole of it, at least some broad facts before this House. Over a sugarcane plantation these soldiers went. They enjoyed the whole of the sugarcane in the field of a poor agriculturist. I challenge my Honourable friend on the other side to deny this. Let him have a report from his own district officers in the district of Bankura, and he will find that what I say is correct. Before the law is enacted, they seem to know what it is going to be, and, therefore, they have been making free use, as we are bound to deal with them, of these sugarcane fields. I would not mind them making a free use of these things from people who can afford, but in these times of agricultural distress, to relieve which Government are doing next to nothing, I submit it is the bounden duty of all of us to see that the poor agriculturists of the villages do not suffer by the acts of these soldiers.

My Honourable and gallant friend talked about boycott of these soldiers with respect to the marriage of their children. I have carefully gone through the wording of the Bill, as it stands, after it has emerged from the Select Committee, but I do not find that there is anything like that a man should also be obliged to give his son or daughter in marriage to the daughter or son of a soldier. I do not find any such provision unless

[Mr. Amar Nath Dutt.]

you enlarge the meaning of the word "deal", but if it is done, it will not reflect much credit to the Honourable Official Members for their draftsmanship, for I think the Honourable the Home Member will surely admit that the word "deal" does not go so far as that. As regards boycotting soldiers, although many of us would not like to boycott amiable friends like my gallant friend over there, I can say honestly before this House that I am very nervous of mixing with soldiers.

**Captain Sher Muhammad Khan Gakhar:** You should not be nervous. They are gentlemen.

**Mr. Amar Nath Dutt:** They are super gentlemen, they are noblemen, but I do not know whether many of them are what we are, *viz.*,—gentlemen. Be that as it may, I think many of us on this side of the House will not be disposed to mix very freely with soldiers. That being so, boycott exists there, and if you want to make it an offence and penalise it, people will be compelled to associate with them in spite of their inclinations. As I have already said, the Dorsetshire Regiment passed through Bankura destroying sugarcane fields, but if my Honourable friend, the Home Member, wishes to challenge me, let him first get a report from his own district officers there whether that was true or not. The story was told by a responsible person and I do not disbelieve him. Then, my gallant friend has been pleased to propound certain maxims of law which it will be for the Honourable the Law Member to consider, but I hope he will not be guided by the principle enunciated there, namely, the law is sometimes like this, and sometimes like that. He must know that there is always a missing link, or what we call in law, a lacuna, because human society is progressive, and the needs of society develop as time goes on. But here we must remember also that Indian society at the present moment is not a progressive society. We are retracing our steps back. We are going back to the dark days before 1857 and the law will be sometimes like this and sometimes like that. Law will go back to those archaic days, to the days of Draconian legislation such as we have been enacting here. As I have submitted, we should not too much oppose it, because that matter carries with it a lesson as my Honourable friend, the Home Member, has said. Then, again, something has been said about the retention of certain clause which a certain Member wanted to have deleted and the reason given was that it was carefully considered by the Select Committee and, therefore, Government will not accept any change. May I ask, whether or not this portion of his argument was carefully considered by the Select Committee? If he assures us that it was not carefully considered, we shall certainly not oppose it, but if he says that it was carefully considered and still he asks us to accept his amendment, I think he is asking too much. I shall always be very glad to oblige him. I shall always be very glad to follow him and support him in any measure which he thinks necessary in the interests of the country, but at the same time in this matter he must give us an assurance that the Select Committee did not carefully consider this before we can support him.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): I wish to convey to the Honourable the occupants of the Treasury Benches that it is amendments like these which are exasperating the Opposition. They must feel once for all that if they really want to carry the Opposition with them, they must not overstrain the co-operation which

they are prepared to give in a measure of this exceptional character. What would be the effect of an amendment like this if it was enacted into law? It would mean this—a person in the Military, Naval or Air Service of His Majesty, whether he is a commissioned officer or non-commissioned officer or even a cooly, will demand all the rights which you have conferred upon a public servant. It is unfortunate that the terms of definition of public servant have been enlarged by this proviso. It is doubly unfortunate if you were to extend the provisions of this clause to Naval, Military and Air Force servants. Only the other day, one of my colleagues speaking from these benches quoted a paragraph which appeared in the newspapers to the effect that an order had been issued to the citizens of a certain place to appear and receive a contingent of the Military when they arrive at a particular station and to offer them their *salams*. If you wish to humiliate the people of India, this is the way to do so. I venture to think that you could not possibly have that in mind. If you really wish to preserve law and order, this is the way of wrecking law and order. I submit, therefore, that the Honourable the occupants of the Treasury Benches should really pause and consider the effect that it is likely to produce in the country if this amendment is incorporated into this Act and I seriously ask the occupants of the Treasury Benches to carefully ponder over the implications of this amendment and the repercussion it is likely to have throughout the country.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): I am compelled to speak on this amendment. This amendment aims at the protection of military officers. The clause gave protection only to civil officers. I also know that the original Bill did not contain this *Explanation* which is sought to be added to at present. In the Select Committee also, I take it, that the matter was fully considered and it was not thought necessary that such an *Explanation* should be added. Now, the Bill itself, as it has come from the Select Committee, does not contain this *Explanation* and the amendment is proposed only as an after-thought. I do not know for what reason this *Explanation* is sought to be added. In my humble opinion, it appears to me that there is a great difference between the protection given to a civil officer and a military officer. My point of view is this. I feel that civil officers may sometimes require protection, but as to the military, it is on the contrary the public that require protection against the military officers and their highhanded ways. They harass people and take the law into their own hands and show their highhandedness in dealing with shopkeepers. My friend, Captain Sher Muhammad Khan, has been in the military for a long time and has regard for them. I do see eye to eye with him that they are useful to the public, but there is the other side of the question which he should not forget. He must have known in his own experience how roughly these people deal with the public. I will give only one instance. Do not the Honourable Members remember that recently it was in the papers, and I have also inquired and learnt on reliable authority, that a hawker near the Gol Post Office here, who would not sell his things except for cash, was maltreated by some Tommies who wanted certain things from him, and when the things were refused, they robbed the hawker of his things and went away quietly? If this is the kind of thing that can happen, it is the public that require protection against the harassment by the military to the people. I oppose this amendment.



**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, this House has given protection to soldiers under clause 2 of the present Bill, which says:

"Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the Military, Naval, Air or Police service of His Majesty".

Now, by the very consent of this House, that was done and there must have been adequate grounds for putting in this clause. And this very fact shows that there is some kind of dissuasion or attempt at dissuasion of people from entering the Military service. That very fact further shows that the soldiers are not looked upon with good grace in the eyes of a certain section of the public; and the very fact that here in the House I see bitter speeches being made against soldiers, what then must be the feeling against the soldiers amongst the public outside? Now, if that is the way that the soldier is going to be treated, naturally there must come up somebody who must give him the protection that he requires, and this is the thing that has led my Honourable and gallant friend to champion the cause of the soldier.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): That is not good logic at all.

**Mr. Muhammad Yamin Khan**: If the House comes to realise what is intended by this amendment, then they will be convinced at once that what is asked for is not too much. (*An Honourable Member*: "Why has the Law Member brought this amendment against the report of the Select Committee?") The real thing is that claim for this must be coming from the Military authorities, otherwise the Honourable the Law Member would never have moved this amendment. It is the pressure from the Military that is responsible for bringing in this amendment, and there must have been good reasons for the protection which they seek. Now the only thing that is wanted is this, that a soldier be included in the definition of "public servants". In the *Explanation*:

"For the purposes of this section, 'public servant' has the same meaning as in section 3."

What is in clause 3? A public servant has been defined there thus:

"A public servant denotes a public servant as defined in section 21 of the Indian Penal Code, a servant of a local authority or railway administration, a village chowkidar, and an employee of a public utility service as defined in section 2 of the Trade Disputes Act, 1929."

Now, may I ask, if you give protection to all these people, is it not justifiable that the soldier must come forward and say: "if I am being harassed, you must extend this protection to me also."? Are they asking for too much? Sir, the speech which my Honourable and gallant friend has made has shown the services which the soldiers have rendered to the country and which they are ready to render to the country every moment. Sir, they are ready to shed their life-blood even, if they have to protect the lives of the citizens.

**Mr. O. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): And also other people's blood.

**Mr. Muhammad Yamin Khan**: Yes by shedding other people's blood also, they are protecting my Honourable friends over there. And whenever anybody comes forward in an aggressive manner to kill my Honourable friend, the soldier will stand up . . . . .

**Mr. C. S. Ranga Iyer:** Is not the soldier armed and the village *chowkidar* unarmed, comparatively speaking?

**Mr. Muhammad Yamin Khan:** When protection is required in this place, both are disarmed. Probably the village *chowkidar* has a much greater amount of force behind him than the ordinary soldier in the village. So I think that the protection which is required is asked in a very simple manner, and a case has been made out for that, and there was no justification for bringing in heat and controversy into this debate. Sir, as regards my Honourable and learned friend, Sir Hari Singh Gour's contention, when the country is not going to be upset by the House giving protection to the village *chowkidar*, the servant of a local authority, the railway employee, how is the country going to be affected adversely if such protection is extended to a soldier? On the contrary, I think the country will be more upset if an invidious distinction is made in the case of the soldier. Sir, if the protection were not really required, if these circumstances did not exist, then I would be the first man to stand up against this very clause. But when such protection is extended to the other public servants, there is no reason why the soldier should be left out. Sir, the soldiers also have got their families as the village *chowkidar* and the other classes of employees have families requiring protection. If you are going to give protection, Sir, to the railway employee, the municipal employee, the servant of a local authority, if they are harassed, then do you mean to say that no protection should be given to the soldier, if he is harassed or if his family is being harassed? Sir, I think this amendment ought to be accepted with good grace. Sir, the soldier is ever ready to serve you and your country and we should show our trust in him by accepting this amendment in the best spirit. With these words, Sir, I support the motion of my Honourable friend, the Law Member.

**Mr. C. S. Ranga Iyer:** Sir, after the manner in which my friend and Leader, Sir Hari Singh Gour, had summed up the case for the Opposition, I thought I at any rate need not have stood up to speak. But when a civilian and a barrister stands up to advocate the cause of the soldier, who can look after himself even without the battery of legal arguments of my Honourable friend from Meerut, it becomes necessary once again to present our view point. I can perfectly understand, Sir, the Honourable and gallant Member for Rawalpindi standing up for this clause. The Honourable gentleman from Rawalpindi has always stood up for the soldier, being himself an honoured member of the profession which has done such great deeds in this country and elsewhere. But when we stand up in this House and refuse to be caught in the tentacles of that octopus, called the Army Department, as disclosed by my friend, Mr. Yamin Khan, it is because we do not want to extend the existing power of the soldiers.

Sir, the Honourable gentleman said, if a village *chowkidar* can be protected, why not the soldier, the soldier who sheds his blood? I interjected "and also other people's blood" which the village *chowkidar* does not shed. It may be that the soldier sheds other people's blood to save a larger blood-shed, but the soldier is armed. Has the village *chowkidar* the police force at his beck and call? If the Honourable gentleman, not being an American tourist (Laughter) has visited an Indian village, he will understand how much of the police force is available on the spot in a village and how much the police forces in the villages have been able to

[Mr. C. S. Ranga Iyer.]

prevent, leave alone other things, communal riots. Sir, I have experience of wandering through the villages preaching to and teaching the villagers a certain amount of national self-respect. I may have to proceed on such mission even on future occasions, should this anti-civil disobedience Bill try to crush the existing public spirit in the country. Supposing soldiers are let loose on the land, supposing soldiers act in a manner which may be very much worthy of their tradition, may be for the so-called higher purpose of preventing a larger bloodshed, should it not be possible and necessary even to act in self-defence by excluding the soldier from the operation of the provision about public servants?

Sir, the Government originally conceded that the civil disobedience movement which is directed against the civil administration of the country should be met in a more or less civil manner, but this uncivil legislation is framed from the point of view of jurisprudence unknown in any self-respecting country in the world. Sir, having fought themselves out of the Select Committee, though I say the Members ought not to have walked out but stayed and fought, having agreed on many points, here comes a revelation from my Honourable friend from Meerut that pressure has been brought from the Army Department to move this amendment over their heads. If what Mr. Yamin Khan has said is true and I have not heard the Honourable the Home Member contradict that statement . . . . .

**Mr. Muhammad Yamin Khan:** I did not say the Army Department: I said from the soldiers:

**Mr. C. S. Ranga Iyer:** I shall repeat exactly the words which the Honourable gentleman actually said as I have taken notes of them. He said that pressure has been brought from the Military. If the Honourable gentleman's statement is correct, then the Military means the Army Department so far as this House is concerned.

**Mr. Muhammad Yamin Khan:** I never meant that.

**Mr. C. S. Ranga Iyer:** The Honourable gentleman says he did not mean that but I put that interpretation on his statement, for surely the only manner in which pressure can be brought upon the Government by the Military is either through the Commander-in-Chief or through the Army Secretary, which means the Army Department. There is no other way in which pressure can be brought by the Military upon the Government.

**Mr. Muhammad Yamin Khan:** And through soldiers too.

**Mr. C. S. Ranga Iyer:** How do soldiers bring pressure? Do they not bring pressure in a constitutional manner?

**Mr. Muhammad Yamin Khan:** Through peaceful persuasion.

**Mr. C. S. Ranga Iyer:** If soldiers bring pressure upon the Government, it must be through the Army Department. Sir, we cannot be dictated to by the Army Department. The Army Department cannot exploit this piece of legislation for army purposes. The cat has walked out of the bag and I am grateful to Mr. Yamin Khan for driving the cat out of the bag. He wants to call back the pussy and drive it into a corner, but the cat is obstinate. Mr. Kabiruddin Ahmed, without making a speech, summed up the case that Mr. Yamin Khan put by saying that there is no logic in it. There is not even the magic except the magic of pussy walking out of the bag. (Laughter.)

Sir, I may tell the Honourable the Home Member frankly that if he is going to take advantage of the weakness of the Opposition, partly due to the boycott of this House by the Congress and partly due to the deplorable absenteeism—Honourable Members not realising their responsibility to their constituents—and amend an already amended Bill in the Select Committee, I can only say that even though we may be few we will press this matter to a division and will carry on a raging campaign in the country telling our constituents how, against our wish and our votes, this mischievous piece of legislation was carried. Sir, I propose to press this motion to a division. (Applause.)

**Hon. Captain Rao Bahadur Chaudhri Lal Chand** (Nominated Non-Official): Sir, I was under the impression that with the cooling down of temperature and with three days recess, the Opposition would have been found recovered from the temporary fit of anger under which they had been delivering their speeches in the early part of this debate. But my expectations have been falsified by the speeches delivered by the Honourable Mr. Dutt and other Honourable Members who followed him. Sir, I never expected any discussion on this amendment, because it is a very mild request. What is needed is, as has been so well explained by my Honourable friends, Captain Sher Muhammad Khan and Mr. Yamin Khan, that the protection that this House has agreed to give to a constable, a chaprassi, a *chowkidar*, nay, even a municipal employee, should also be extended to the Indian soldier. It was really a surprise to me to find that the term, "public servant", as defined in the Indian Penal Code, had not so far included the Indian sepoy. So, Sir, this amendment does not require any argument from this side and the injustice that has so far been shown to the Indian soldier, who has been defending our frontiers, should not be continued. Sir, I support the amendment.

**The Honourable Mr. H. G. Haig**: Sir, my Honourable friend, Mr. Dudhoria, voicing, I think, an opinion which seems to be prevalent on the other side of the House, said that in the Select Committee the Government had admittedly the predominant voice. Now, Sir, that was most certainly not the case and this particular question that we are discussing is very much in point. The Government in the Select Committee put up exactly the case that they are putting before the House today. They never wavered in their anxiety to have this provision inserted in the Bill and they do not waver in it now.

I should like to explain, in the first place, how the amendment came to be proposed. In the original Bill, there was a provision that public servants should mean persons declared by the Local Government in the local official Gazette to be public servants for the purposes of this clause. Now, that provision would have enabled Local Governments to extend the protection of this clause to soldiers, and that was the intention of the Government when the Bill was introduced. In the course of consideration in the Select Committee, it was thought desirable that that wide power of the Local Governments should be eliminated and that in place of it there should be substituted a precise definition of those classes of persons who were to be protected. Consequently, in clause 3 of this Bill, a definition of a "public servant" was inserted. In that definition, it was not necessary to include soldiers because, so far as clause 3 is concerned, an attempt to induce a soldier to fail in his duty is already an offence under the Army Act. But it was necessary to include soldiers in clause 4 unless they

[Mr. H. G. Haig.]

alone among public servants were to be denied the protection of this clause. Mr. Dudhuria made some reference to cases against soldiers under this clause, if I understood him aright, being tried by military officials. I cannot understand whence he derived such an idea, but it is perfectly obvious that all that is proposed is that the protection of the civil law should be extended to soldiers. Cases in which soldiers have been boycotted will be tried by precisely the same Courts as cases in which civil Government officials have been boycotted. Now, Sir, as has been remarked several times in the course of this debate, the House has agreed to extend this protection to civil officials and it is extremely difficult to understand why it should not be extended to soldiers. Surely we are not going to let it be believed by our soldiers that Government are unable to protect them and their families against attack of this kind by an unlawful organisation. What effect would it produce on those whose function it is to protect us and protect the country if Government admit that they are unable to protect them? I can understand it being argued that in fact there is no necessity for this provision, and that it is a hypothetical case. That point has already been dealt with by my Honourable friend, Captain Sher Muhammad Khan. He showed that in fact it has been part of the Congress movement to boycott soldiers on leave and their families, and nothing can have a more deplorable effect on the feeling of the soldiers than to hear from their villages week after week that their families are being harassed, that efforts are made to drive them out of their villages, and to know that when they themselves go on leave, they might find themselves boycotted in their own villages. My Honourable friend, Mr. Ranga Iyer, said,—I think I got his words correctly,—that the soldier can look after himself. I wonder if he reflected on the implication of those words. How can the soldier look after himself? You deny him the protection of the civil law and you say, protect yourself by force. Is that the suggestion of my Honourable friend? Surely, Sir, the soldier is a citizen just as much as anybody else and is entitled to the same protection. My friend, Mr. Amar Nath Dutt, suggested that because we are fortunately living in times of peace we need not bother too much about soldiers. I feel that that is hardly a reasonable and generous attitude of mind. The protection of the country is one of its first interests and the protection of the country cannot be improvised. The protection of the country depends on an efficient and contented army. Mr. Amar Nath Dutt suggested that there were certain complaints against the behaviour of the soldiers in Bengal. The argument, I would suggest, is not really relevant to the point that we are discussing here. We have heard exactly the same kind of complaints made with regard to the civil officials, that in certain cases civil officials harass the people and, therefore, that this protection should not be given. Sir, I thought the House had realised that those arguments do not really answer the proposals that we put forward; and as they are no answer to the proposals we put forward in regard to civil officials, they are no answer to the proposals we put forward in regard to soldiers. But I would say this, that if his complainant whose identity has not been revealed will come forward and make under his own name a complaint to the local authorities, I have not the slightest doubt that that complaint will be fully examined and considered. But I must say that no such complaint has reached us and I would suggest to my Honourable friend, Mr. Amar Nath Dutt, and possibly to other Honourable Members of this House that their nervousness in regard to soldiers and the

behaviour of soldiers will disappear when they become more closely acquainted with them.

Sir, I support the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That at the end of *Explanation* to sub-clause (1) of clause 4 of the Bill, the following be added:

"but includes also a person in the Military, Naval or Air Service of His Majesty."

The Assembly divided:

AYES—52.

Abdul Hye, Khan Bahadur Abul  
Hasnat Muhammad.  
Acott, Mr. A. S. V.  
Ahmad Nawaz Khan, Major Nawab.  
Allah Baksh Khan Tiwana, Khan  
Bahadur Malik.  
Amir Hussain, Khan Bahadur Saiyid.  
Anklesaria, Mr. N. N.  
Bajpai, Mr. G. S.  
Bhore, The Honourable Sir Joseph.  
Bower, Mr. E. H. M.  
Burt, Mr. B. C.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Dunn, Mr. C. W.  
Dutt, Mr. G. S.  
Fazal Haq Piracha, Shaikh.  
Fox, Mr. H. B.  
Graham, Sir Lancelot.  
Greenfield, Mr. H. C.  
Gwynne, Mr. C. W.  
Haig, The Honourable Mr. H. G.  
Hezlett, Mr. J.  
Hudson, Sir Leslie.  
Ishwarsingji, Nawab Naharsingji.  
Ismail Ali Khan, Kunwar Hajee.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur  
Sardar.  
Lal Chand, Hony. Captain Rao  
Bahadur Chaudhri.

Mackenzie, Mr. R. T. H.  
Macqueen, Mr. P.  
Meek, Dr. D. B.  
Mitter, The Honourable Sir  
Brojendra.  
Moore, Mr. Arthur.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur S. C.  
Nayudu, Rao Bahadur B. V. Sri Hari  
Rao.  
Noyce, The Honourable Sir Frank.  
Rafiuddin Ahmad, Khan Bahadur  
Maulvi.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. P. R.  
Ryap, Mr. T.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Scott, Mr. J. Ramsay.  
Sher Muhammad Khan Gakhar,  
Captain.  
Singh, Mr. Pradyumna Prashad.  
Smith, Mr. R.  
Sorley, Mr. H. T.  
Suhrawardy, Sir Abdulla-al-Māmūn.  
Tottenham, Mr. G. R. F.  
Wajihuddin, Khan Bahadur Haji.  
Yamin Khan, Mr. Muhammad.  
Zulfiqar Ali Khan, Sir.

NOES—32.

Abdoola Haroon, Seth Haji.  
Abdul Matin Chaudhury, Mr.  
Azhar Ali, Mr. Muhammad.  
Badi-uz-Zaman, Maulvi.  
Chandi Mal Gola, Bhagat.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Jha, Pandit Ram Krishna.  
Jog, Mr. S. G.  
Lalchand Navalrai, Mr.  
Liladhar Chaudhury, Seth.  
Maswood Ahmad, Mr. M.  
Miara, Mr. B. N.  
Mitra, Mr. S. C.  
Mody, Mr. H. P.  
Murtuza Saheb Bahadur, Maulvi  
Sayyid.

Pandian, Mr. B. Rajaram.  
Patil, Rao Bahadur B. L.  
Phookun, Mr. T. R.  
Puri, Mr. Goswami M. R.  
Raghubir Singh, Kunwar.  
Ranga Iyer, Mr. C. S.  
Reddi, Mr. P. G.  
Reddi, Mr. T. N. Ramakrishna.  
Roy, Rai Bahadur Sukhraj.  
Sarda, Diwan Bahadur Harbilas.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Kumar Gupteswar Prasad.  
Thampan, Mr. K. P.  
Uppi Saheb Bahadur, Mr.  
Ziauddin Ahmad, Dr.

The motion was adopted.

**Pandit Satyendra Nath Sen:** Sir, I beg to move:

"That the *Explanation* to sub-clause (1) of clause 4 of the Bill be numbered as *Explanation 1*, and after the *Explanation*, as so numbered, the following further *Explanation* be added:

*'Explanation 2:—Acts done under unavoidable circumstances or on reasonable grounds such as social custom, religious belief, medical considerations, etc., do not come under the purview of this section.'*"

This amendment seems to be a very reasonable one, because, although it appears last in the list, it has been practically spoken on by almost all the Honourable Members on this side of the House who have taken part in the discussion on this clause. Government want to give protection to their servants and it is an excellent proposal indeed. I do not object to that and I possibly cannot go behind the decision of this House; but I beg to submit most emphatically that the people too have a right to be protected. Numerous cases have been cited and suggested by Honourable Members where this clause is liable to be misapplied. Sir, this amendment seeks to give protection to those *bona fide* cases. It may be argued that the word "intent" occurring in the clause, if taken in its fullest connotation, may afford some protection to the *bona fide* cases; but I submit that the times are bad and the relations between the Government or, for that matter, the police and the people are extremely strained and it is very desirable that things should be as well defined as possible and as clearly put as possible in unambiguous language, especially in view of the fact that, under the present civilised administration, executive and judiciary are two different names of one and the same body. Some sort of safeguard has been proposed in sub-clause (2), namely, in the shape of the sanction of the Local Government, but I submit that it is nothing better than a fictitious safeguard. It means nothing, because if the Local Government means the Magistrate, that is to say, the district officer or Superintendent of Police, it is nothing more than a formality, and if it means something more, then there may be cases where that clause, instead of giving me any relief, will do me some positive harm, because the sanction of the Local Government will be regarded as a document against me which it will be very difficult for me to overcome. I have already stated that numerous cases have been cited where this clause may be misapplied. I may be permitted to cite one or two more cases. Suppose I am a house-holder and I have got a house to let; some Government officer approaches me and asks me to let the house to him. I tell him that I am really sorry I cannot oblige him, because I have already given my word of honour to some other gentleman. If the Government officer is pleased to disbelieve me, he may put me into difficulties if he likes. Then take another case . . . .

**Mr. K. Ahmed:** You can give authentic proof: it is reputable.

**Pandit Satyendra Nath Sen:** But why should I be held at all responsible? The responsibility should rest with the Government. Then, again, the Government officer may be professing a different religion and have customs and habits utterly different to those of mine. Am I bound to accommodate him? Am I bound to invite him and accommodate him at the sacrifice of my religious belief, simply because people like Sir Muhammad Yakub may say "yes, you are bound to do so."? My friend, Sir Muhammad Yakub, cited a case the other day which has nothing to

do with the civil disobedience movement which this Bill seeks to fight. I might also remind my Honourable friend and also my other Muhammadan friends that it is not merely the Hindus who should be apprehensive of the misapplication of this clause, but my Muslim friends should be equally apprehensive, because the Government officer may be a Christian or a Sikh who may introduce into the kitchen something which my Muhammadan friends may not very much like . . . . .

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): They are also to blame like that.

**Pandit Satyendra Nath Sen:** Sir, this is neither the place nor the occasion to discuss whether those notions are right or wrong, but there is no denying the fact that such notions do exist and they deserve to be protected.

**Sir Muhammad Yakub:** Is this the way of combating untouchability?

**Pandit Satyendra Nath Sen:** No, Sir; I am very sorry the question of untouchability has been introduced in this connection. Reference was made by my friend, Mr. Amar Nath Dutt, to untouchables when he spoke on a previous amendment to this clause. Personally speaking, I do not like that such frequent references should be made to my untouchable friends, because our relation with them has always been one of amity and concord. . . . .

**Sir Muhammad Yakub:** Question.

**Pandit Satyendra Nath Sen:** . . . . until recently, when some of the youngsters are being led astray by external and heterodox influences. I think I should not expatiate on this point any further, and I shall pass on to the next point. Suppose I am a medical practitioner, and a call comes from a Government servant at an unusual hour, say, at 2 or 3 A.M. I may not by chance be feeling quite well to stir out at that unearthly hour. I don't think that I shall be bound to attend that call at the risk of my life. It is needless to multiply such instances. Suffice it to say that there may be cases which are entitled to protection, and if the Government are not unreasonable, they should accept this amendment which speaks of unavoidable circumstances and other reasonable grounds. With these few words, Sir, I move my amendment.

**Mr. Amar Nath Dutt:** Sir, questions which are not strictly relevant to the matter under discussion have been introduced by way of interjection by my friend, Sir Muhammad Yakub, about untouchability and other things, but however one may dislike my friend, Pandit Satyendra Nath Sen's orthodox views . . . . .

**Hon. Captain Rao Bahadur Chaudhri Lal Chand:** Mr. Sen ought to say "Save me from my friends!"

**Mr. Amar Nath Dutt:** . . . . and however one might disapprove of my friend, Pandit Sen's orthodoxy and his desire to force his orthodox views upon an willing House, still I think we ought to give him a patient hearing and consider his amendment seriously and carefully. What does



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my friend want? He wants that protection should be given in cases of social custom, religious belief and medical consideration. I shall take one by one these three items. With regard to social custom, if the society to which a man belongs, enjoins him to do a certain thing and if your legislation compels him, under threat of punishment, not to do that very thing, I think all social order will come to an end. Conceptions of social morality and social institutions differ widely in different races and in different climes. Our social customs are certainly not the same as those of my English friends. Our social custom, I here speak as a Hindu, is certainly not the same as yours. Sir, the institution of marriage is the foundation of every civilized society except perhaps in that ultra-civilized society in Russia. Sir, I am always afraid of the four letters U. S. S. R., and certainly I would be with the Government in supporting any measure that they might like to introduce to protect us from the onslaughts of U. S. S. R. principles which are making headway at the present moment. The elementary principle on which a society can live in amity and concord to the advantage of all its component parts is that every one should be free to follow the social custom or social institution in which he lives. There should not be any interference in this matter. Rightly or wrongly, my friend over there may have objection to let his house on rent to a man who takes ham or beef. I may tell him that, although I have no prejudice, I am also against letting out my own house to a man who would take beef or ham. I would consider my kitchen desecrated, and certainly likewise my Muslim friends would also consider their kitchen desecrated if any tenant cooks food which is forbidden to them in their kitchen. Sir, I ask, are we not to take into consideration these cases of social custom? Are we to thrust our own views upon others? How would one like, if our views were thrust upon the Englishmen, if, for instance, we said: "You must put your ladies in *purdah*. Have them encaged. Don't bring them out". How would you like that? If my social custom prevents me from letting out to certain persons of certain castes of my own religious persuasion, if I rightly or wrongly believe in that, what right have my advanced friends like Diwan Bahadur Harbilas Sarda, who has already advanced a great deal in the matter of social legislation which has brought him a Diwan Bahadurship, to thrust their views on us? If I legislate and compel him to have his daughter married at the age of 8 or 4, how would he like it? So, if we want to live in peace and amity, we must be tolerant of other views, instead of being intolerant as my Honourable friend, the Diwan Bahadur.

**An Honourable Member:** Don't forget Sir Hari Singh Gour.

**Mr. Amar Nath Dutt:** Sir Hari Singh Gour is a social reformer of another type. These two gentlemen do not bear any resemblance to social reformers of the type of Raja Ram Mohun Roy and Keshub Chunder Sen. I have dealt with social custom. Then there is the question of religious belief. I do not believe in religion, I wonder how intellectual people can believe all those things which they say in churches, temples or mosques. Be that as it may, though I am myself an agnostic, I do say that I have no right to force my own agnostic views upon others. Let them believe in God, let them believe in a thousand and one gods, let them be idol worshippers, but I have no right to interfere with them.

If I believe in a particular faith, no man of another religious persuasion should compel me to let out my house to the man whom my religious tenets enjoin me that I should not let out my house. There is no danger in case of a man like myself, but in the case of men who are believers in religion,—and I have found many who really do believe in all those Shastraic injunctions and think that unless they do not act in a particular way they will be punished in the life hereafter,—well I do contend that these people are entitled to freedom of religious belief, however much I may not agree with them. I am not like one of those iconoclasts of Ajmer, or Kalapahars, as they are called in Bengal, I do not believe in the destruction of any religion or religious beliefs whatsoever although I may not believe in one. Still I respect the religious beliefs of others,—not that I do pay homage, but I do pay homage to them for their sincerity and wish to live with them in peace. No civilised Legislature should interfere with the religious beliefs of the component parts of society.

As regards medical considerations, the example which my Honourable friend over there has given is enough. He belongs to race of physicians, i.e., the Vaidya caste, and he knows the difficulties well. He has suggested, on a cold night a physician may not like to go out. I know of very poor litigants coming to the honourable profession to which my Honourable friend and myself belong, whose briefs we have refused . . . . (An Honourable Member: "Why?") for reasons which it will be shameful to acknowledge in this House. (An Honourable Member: "What is that?") You know that. Under these circumstances a Vaidya or a gentleman practising medicine may refuse to go at certain hours of the night. There is one other danger. Who is competent to give medical advice? I will give you one instance. The Secretary of the U. P. Legislative Council has got reputation as a good homeopath, although he did not attend any college. He practises medicine only privately. Will this man be called and is he bound to go? The clause says: "medical aid". I know also some medicine. My Honourable friend, Mr. P. R. Rau, over there who deals with finances may know one medicine and I may demand of him, if I am fortunate enough to be a Government servant, to render me medical aid. So no one will be left alone. Not even my Honourable friend, the Law Member, will be exempt from it. Therefore, there ought to have been some such thing like this, those who have passed any medical examination of any college or any university. I think my Honourable friend's suggestion on this ground alone of medical consideration ought to appeal to the Treasury Benches. Again, the man may be very ill to attend, apart from the question of being called at unearthly hours, or he may be asked to attend at a distance. You are protecting Government officers in the villages. In villages, I know, the ordinary M. B. lives at a distance of 6, 8 or 10 miles. Now, the conveyance over there is a *palky*, and, in these days of the rise of the depressed classes and the untouchables, I know there is a movement afoot in which the palanquin bearers have refused to carry a man and they consider that it is disgraceful to have a man on their shoulders. That being so, palanquins will not be available and a medical practitioner who cannot ride a horse in the villages will find it impossible to go and attend on a patient. I come from a part of Bengal which is particularly inundated by the River Damodar and my Honourable friend over there has not had that experience having lived most of the time in the once metropolis of India. Sir, considering the difficulty of these flooded areas, I think this is a reasonable amendment. Every one of the three items on which he lays stress deserves special

[Mr. Amar Nath Dutt.]

consideration from the Members of this House. It may be that we are not able to put forward our arguments in the same convincing way in which Members of the Treasury Benches can put it, but, I hope, instead of belittling our arguments, they will see to their reasonableness and will try to persuade themselves to accept this amendment.

**Mr. B. V. Jadhav:** Although on many occasions I do not see eye to eye with the Mover of this amendment, still in this case I think it my duty to support the amendment. As a matter of fact, amendment No. 66 which stood in my name covered one of the parts of this present amendment. It is a well known fact in the Bombay Presidency that Government officers who generally do not object to a meat diet find it very difficult to secure lodgings in places where they are transferred to. I may be pardoned for giving a bit of family history. My brother is in the judicial service and on many occasions when the name of non-co-operation was not even known he found that he could not get on hire the very house in which the previous incumbent lived. My brother is a meat eater, as also myself and that was an objection to his getting a good and eligible house. The houses belonging to the meat eating classes are of course available and in *taluka* towns, there was not much difficulty at all and, therefore, he has not been put to great inconvenience. At present he has been transferred to Surat which is in Guzerat and there he found it very difficult to rent a suitable house. But this reluctance of the house owners to rent their house to him is not due to any political motives. It is their idea that their houses will be polluted by giving it to a meat eater. This mentality of the people, however foolish it may appear to me and others, ought to be respected and provisions ought to be made in this Bill for not putting unnecessary hardship on such people. Now, the clause, as has been worded by the Select Committee, makes it incumbent upon the owner of the house to let the house, which is ordinarily let on hire, to a Government servant. In such a case, a meat eater may claim to get the house which was occupied by the previous incumbent and it will really be a hardship to the owner of the house to let it to him. The other items in the present amendment also deserve to be seriously considered and not passed over. My friend, Mr. Sen, has not brought this amendment to throw an obstacle in the passing of this Bill, but his motive springs from a love of the people and, therefore, I am confident that this House and particularly the Treasury Benches will accept it.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): I rise to support this amendment. By the present Bill the Government want to suppress the civil disobedience movement and they have drafted this clause 4 which is directed against boycott. Now, the present amendment wants to exempt certain acts from the operation of this clause on certain social and religious grounds. Since the object of this Bill is only to put down the civil disobedience movement, Government have to see whether there is any political motive behind this amendment. Now, in the Simla Session, the Leader of my Party and also Mr. Sarda introduced certain social legislation when the whole House and, especially our Muslim friends, expressed their opinion against social legislation. They said that that was not the time to pass social legislation, that Government should not interfere with the social and religious beliefs of the people and that that legislation drove a coach and four against the social and religious belief of a large section of Hindus as well as Muslims.

Take this question of letting a house. I am not a bigoted Hindu. I am an extreme social reformer, but I have to speak not on behalf of myself only, but of a large section of my Hindu countrymen. Now, in Southern India, in my province there are many villages which are called *Agraharams* inhabited exclusively by the Brahmin community. There is a tank and there are houses all round and they do not allow members of other castes of the Hindu community even to occupy those houses. They consider it a matter of pollution. Now, if you pass this legislation, it will not prevent any official, be he a Hindu or a Muslim, from taking up a house which he wants for temporary occupation. The Government say that they are opposed to direct action pursued by Mr. Gandhi and Mr. Kalappan. Here this is also direct action on behalf of the Government. They are introducing the principle of direct action by this clause which they themselves have been condemning. Now, they want to provide an official with a house which, on account of religious belief or social custom, the house owner does not want to let. Then, this is made penal. I also submit that the Government are not even consistent. By another clause, clause 7, they want to introduce another piece of legislation, in order to cover the offence of "molesting a person to the prejudice of employment or business". Clause 7 provides:

"Whoever, with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs. . ."

**The Honourable Mr. H. G. Haig:** Sir, is it in order for the Honourable Member to discuss clause 7 of the Bill on this amendment?

**Mr. T. N. Ramakrishna Reddi:** I am just referring to that clause by way of illustration, Sir. I am just pointing out to the House the inconsistency between one clause and another. The Government, by enacting clause 7, do not want interference with regard to the enjoyment of rights of one's property. By this clause they want to have such interference. They want every house to be let even though the house-owner does not want to let it to an official on religious grounds. Sir, your whole object is to stop the civil disobedience movement, but not to interfere with the religious or social beliefs of the people. If that is so, why should the Government want to interfere with such religious or social beliefs if these prohibit the letting of a house to somebody? Then Government do not want that anybody should interfere with the enjoyment of a property of any person. But, by this clause they want such interference. Sir, I do not want to multiply the instances wherein, if this clause is passed, it will trench upon the religious and social beliefs of the people. So, I submit, Sir, that this is an amendment which the Government themselves, if they are to observe consistency, ought to accept.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

**Mr. C. S. Ranga Iyer:** Sir, I do not want to make a very lengthy speech, but I would put to the Honourable the Home Member, who quoted during his Simla speech Carlyle and his French Revolution, another offer

[Mr. C. S. Kanga Iyer.]

on the subject, namely, the great Irish statesman, Edmund Burke, who, in his "Reflections on the French Revolution", said:

"Man is by constitution a religious animal."

It is but proper that in this debate the religious question should be raised by my deeply religious friend for whose feelings and the feelings of those, who think like him in the country, the Opposition and the Government must show real respect. I would put it to the Honourable the Law Member whether he—if he is not a religious man in the orthodox sense, he is still a truly religious man—will contemplate with equanimity, so far as Orthodoxy is concerned, the entering of an untouchable police officer into the house of an orthodox Brahmin or a caste man? There are provisions in this clause which I, at any rate, am convinced, that my friend, Pandit Sen, suspects, and it is for the Honourable the Law Member or the Home Member to clear his apprehension and suspicion. Lastly, I will say only one word: We gave the Home Member "an ell" in the last amendment, will he not give us an inch in this? (Laughter.)

**Rao Bahadur B. L. Patil** (Bombay Southern Division: Non-Muhamadan Rural): Sir, I rise to support the amendment moved by my Honourable friend, Pandit Sen. Apart from religious or social considerations I should like to support this amendment only for one reason. If we examine the amendment, we will see that there are certain circumstances which can be pleaded and proved by way of defence by the accused under this clause. If the intention is that the accused should be able to prove special circumstances in mitigation of his offence, why should it not be made clear by means of an Explanation to the clause itself? That is the whole point.

Let us take an instance so far as the letting out of a house is concerned. There may be special circumstances: the accused may like to prove in his defence that under particular circumstances he was prevented from giving his house. We know already that this particular clause is characterised as drastic and nobody can even hesitate to call it monstrous and the words are so wide that anything can be included to come within the four corners of the clause. If that is the case, it is but right and proper that the apprehensions should be removed by making the provisions clearer and also by making it clear under what particular circumstances the accused person can get out of the clutches of the provisions of this clause. Therefore, for this very simple reason, I support the amendment.

**The Honourable Sir Brojendra Mitter:** Sir, I fully sympathise with the orthodox sentiments which have prompted this amendment, but, at the same time, I am bound to point out to the House that the whole of the debate this morning has proceeded upon a misapprehension. Clause 4 creates a new offence. There are two elements in this offence. One is, which, for the sake of brevity, I shall characterise as wrongful intent, that is, the intent to harass a public servant in the discharge of his duty. That is an essential element. Secondly, some overt act or omission. Both the elements must be present before an offence can be established. Now, if we examine the amendment in the light of this explanation, we will see its absurdity. Sir, the first point which the Honourable Pandit Sen took was that a person should be excused if it became impossible for him to let out a house or to do any other thing mentioned in the clause. By

way of illustration, he said that there was a house which was ordinarily let, but when the public servant came along to occupy the house, the owner said: "I have already let it to another person". That is to say, it was not possible for him to let it out to the officer. That is the illustration he gave.

**Pandit Satyendra Nath Sen:** What I said was that I have already given my word of honour to another gentleman.

**The Honourable Sir Brojendra Mitter:** That is as good as letting out the house. Now, Sir, that is a case of impossibility of performance, because you have given either your word of honour or your word which may be interpreted as an agreement in law. It is immaterial. Sir, there is a well recognised principle of law which the Honourable Pandit ignored. It is this:

*impotentia excusat legem*

It means this:

"*impotentia*.....excuses when there is a necessary or invincible disability to perform the mandatory part of the law or to forbear the prohibitory." The learned author—I am reading from Broom's Legal Maxims—goes on to say:

"The law, in its most positive and peremptory injunctions, is understood to disclaim, as it does in its general aphorisms, all intention of compelling to impossibilities, and the administration of laws must adopt that general exception in the consideration of all particular cases. It is a general rule which admits of ample practical illustration; where the law creates a duty or charge, and the party is disabled to perform it, without any default in him, and has no remedy over, there the law will in general excuse him."

Therefore, an unavoidable circumstance, such as the Pandit mentioned, is a ground of exemption. If such circumstances exist, then no offence is committed. (*A Voice:* "Do all the Magistrates know this principle?") They ought to know. My second ground is this that in such a case the essential wrongful intention is absent. Your refusal to let the house to the public servant is based not on the ground of harassing him, but on the ground that you have given your word of honour to another person and you are not in a position to let the house to him. One of the essential elements in the offence, namely, the intention to harass is absent. Therefore, no offence is committed. At any rate, the most ignorant Magistrate ought to know this that the intention must be proved by the prosecution and when the circumstances themselves negative that intention, where is the offence?

That is with regard to unavoidable circumstances. Then I come to social custom and religious belief. With regard to this even **3 P.M.** my Honourable friend, Mr. Ranga Iyer, said that a Brahmin houseowner might have religious or social scruples to let out his house to an untouchable police officer. Sir, apply the test, what is the dominant idea in the mind of this orthodox Brahmin houseowner? The dominant idea is that his immortal soul would be lost if the untouchable policeman entered his house. The dominant intention is not to harass the public servant, but to save his own soul. That being so, no offence is committed.

**Sir Muhammad Yakub:** Is that really so?

**The Honourable Sir Brojendra Mitter:** At any rate that is what he professes. He professes to refuse an untouchable police officer because he is untouchable and the houseowner belongs to the Brahmin caste.

**Mr. B. V. Jadhav:** Will an ordinary Magistrate appreciate this fine argument?

**The Honourable Sir Brojendra Mitter:** This is not a fine argument; this is as broad an argument as should be intelligible to the meanest intellect, and a Magistrate who cannot appreciate an argument of this sort has no business to sit on the Bench.

**Mr. T. N. Ramakrishna Reddi:** Then why not accept the amendment?

**The Honourable Sir Brojendra Mitter:** Because it would be foolish to accept it.

Then, with regard to social custom and religious belief . . . . .

**Mr. C. S. Ranga Iyer:** Sir, I should like to know from the Leader of the House whether he considers that we, who have been urging him to accept this amendment, are stupid. (Laughter.)

**The Honourable Sir Brojendra Mitter:** I do not say that any Honourable Member is stupid; I say that the amendment is a stupid amendment, because it is meaningless, and I am proceeding to show how it is meaningless. Sir, I began by appreciating the motive behind this amendment. I fully sympathise with Pandit Sen's orthodoxy; I myself am an orthodox person. (Laughter.)

Then, Sir, the next reasonable ground which is mentioned in the amendment is medical consideration, and, by way of illustration, Pandit Sen says, that if a doctor were called at an unearthly hour, say, about 2 or 3 in the morning, and it is raining hard and no conveyance is available and he has to go six miles to see a patient and he is himself ill. In these circumstances he cannot go; is that an excuse in law? My answer is that the clause itself makes it an excuse. The clause says this:

"withholds from such person or his family such medical services as he would ordinarily render," etc.

Surely, Sir, he would not ordinarily go to see a patient, be he a public servant or a Congressman, at 2 o'clock in the morning when he himself is ill, it is raining hard, and no conveyance is available and he has to cover a distance of six miles. And, if he refuses that sort of service in those circumstances to a public officer, then under this clause no offence is committed.

**Pandit Satyendra Nath Sen:** But I am placed at the mercy of the police.

**The Honourable Sir Brojendra Mitter:** I do not see where the mercy of the police comes in.

My Honourable friend, Mr. Amar Nath Dutt, brought in another argument and gave another illustration, of a non-professional medical man who practises medicine, that is, a quack. Well, Sir, if a quack

refuses to go and see a public servant, he cannot be prosecuted under this clause. I do not suppose that a man who does not ordinarily practise medicine can be brought within the scope of this clause which talks of withholding medical service which must be normal medical service by a person whose business it is to render medical service. If such a man in normal circumstances withholds medical service from a person, because the latter is a public servant, it is then and then only that he comes within the mischief of this clause, provided always that the intent to harass the public servant in the discharge of his duties is dominant in his mind. And that intention has to be proved by the prosecution. The onus is fully upon the prosecution to prove that there is this wrongful intent; and the prosecution will also have to prove that what has been withheld is ordinary service.

That disposes of all the points which have been taken. In the light of the explanation which I have submitted to the House, if you read this *Explanation*, what does it mean? It means this that what is not an offence will not be an offence under this clause, and would it not sound foolish,—I ask Mr. Ranga Iyer? When I used that expression, I meant that, that when you properly appreciate the clause and apply the ordinary principles of law for the interpretation of the clause, then this amendment would be nonsensical. That is all I meant. This amendment would then mean that what is not an offence in law will not be an offence under this clause.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That the *Explanation* to sub-clause (1) of clause 4 of the Bill be numbered as *Explanation* 1, and after the *Explanation*, as so numbered, the following further *Explanation* be added:

*Explanation* 2:—Acts done under unavoidable circumstances or on reasonable grounds such as social custom, religious belief, medical considerations, etc., do not come under the purview of this section."

The motion was negatived.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

**Mr. B. V. Jadhav**: Sir, I move:

"That clause 5 of the Bill be omitted."

Clause 5, as recommended by the Select Committee, consists of two sub-clauses. The first sub-clause is as was proposed in the first draft and the second sub-clause is added as a safeguard against any excessive zeal of the police officers or the Magistrates before whom the cases will go. Although I admit that the rigour of the clause has been much softened by the second sub-clause, still I feel that the whole clause is not required. The first sub-clause is this:

"Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, shall be punished, etc."



[Mr. B. V. Jadhav.]

This process of forfeiture to His Majesty of a book, newspaper or other document is not a monopoly of the non-co-operation days. This has been going on from before, and when a book or a newspaper was forfeited, it was not considered necessary to have such a clause before the non-co-operation movement came into existence. I do not see why in these days this special clause is considered necessary when, in ordinary times, such a clause as this was not regarded as necessary at all. The publication, circulation or repeating of a passage from a newspaper was formerly dealt with under the ordinary provisions of the Indian Penal Code, and I submit that those provisions are now sufficient to guard against the evil. There is no necessity for this clause at all, and, therefore, Sir, I move that the whole of this clause be deleted.

**Mr. S. G. Mitra:** Sir, though I have given no notice of such an amendment as the one just moved by my friend, Mr. Jadhav, still I think it is a very reasonable amendment. Government must prove that there is necessity for such a clause as this. There are the well established laws of sedition. If anybody is found to fall under the mischief of the various provisions of the Sedition Act, action can certainly be taken against him. Why should the Government now try to introduce, a fresh clause in this emergency legislation? Further, Sir, the whole clause has been drafted in such a way that in parts it becomes meaningless. It reads thus :

"Whoever publishes, circulates or repeats in public any passage from a newspaper, a book or other document, copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, etc., etc."

I shall take up the first item. Let us say that a newspaper of a certain day has been declared as forfeited to His Majesty or is regarded as a proscribed document. Now, it is a well-known fact that in a newspaper many items are dealt with, and, under the present law or under the law that is going to be enacted, there is no provision anywhere that the Government are bound to specify which particular item in that newspaper has been proscribed. I think, later on, the Honourable the Leader of the House will argue that these are absolute liabilities and no intention need be proved; any man who may cite in another article or in a speech a portion of that proscribed newspaper will come under the mischief of this clause. The other day, my friend, Mr. Ranga Iyer, cited the case of the demand of Rs. 20,000 that was made from the *Free Press Journal*. The same thing has happened there. It is very difficult to know what is acting in the mind of the Government. It is not stated anywhere that Government should say specifically what are the particular passages in a particular book or newspaper, that is proscribed, objected to. Now, there are many books which contain very sound and healthy matter, but there may be one or two passages in any one of them to which Government may take exception. It is not an imaginary argument, it is happening every day; Government will not care to specify how, and in what way, the particular passages to which they take exception are regarded as objectionable. In a daily newspaper there are many fundamental ideas that are being developed, any number and variety of subjects are being dealt with, and it is under this new clause that Government want to prosecute the publisher. At the same time, I cannot understand why the sedition section of the Indian Penal Code is not being availed of. It has stood the test of time, and Government cannot say that they have failed to bring under the clutches of the law

any journalist or the author of any seditious literature. Under this clause, which contains the words "newspaper or other documents", which is a general term, it will be dangerous for a person to write any book or even to quote from any book, because he may quite unawares come under this clause.

My friend, Mr. Jadhav, said that in sub-clause (2), there is an attempt made at improvement. Certainly it is so, but there is another side of that question as well. Before a prosecution is launched under clause 2, it is provided that:

"No court shall take cognisance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated, contains, in the opinion of the Local Government, seditious or other matter of the nature referred to in sub-section (1)", etc.

A poor Magistrate or, say, a First Class Magistrate finds that the Local Government has already decided that they are of the opinion that a certain matter is seditious, I say, in that case the whole trial becomes a mockery. In this country, as we all know, the judiciary is completely under the thumb of the executive in spite of all efforts for the last 40 years on the part of the Congress and other public bodies, and we have failed to secure the separation of the judicial from the executive. Under the provisions of this clause, the Local Government certifies that it is of the opinion that a certain matter is seditious. Then, what is the use of having a trial? That Magistrate must be a very bold man who will say that the opinion of the Local Government is wrong. So, I think, Sir, though this clause is regarded as a slight improvement, in its application it will be of no efficacy. As I find there is no necessity for further legislation in addition to the present sedition law, I support the motion of my friend, Mr. Jadhav, for the deletion of this whole clause.

**Mr. C. S. Ranga Iyer:** Sir, my Honourable friend Mr. Mitra, has already advanced sufficient reasons as to the undesirability of having a clause like this. I admit that in sub-clause (2), the wine is diluted with a certain amount of water, but, Sir, all the same, from the temperance point of view, we who urge political temperance will insist that alcohol of any kind is bad. If the Government wanted to intoxicate the political civil disobedience movement, they could not have done worse than having a clause of this kind, for the very simple reason, as the Honourable the Home Member cannot deny, the civil disobedience people have to go to the sea side to find salt to break the law. Now, the Honourable the Home Member puts into the hands of the civil disobedience people a very easy method of breaking the laws. Therefore, Sir, if the purpose is not to advance the cause of civil disobedience, I would advise him to abandon this section. (Laughter.)

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): Sir, I oppose this amendment. I see no harm in clause 5, and all the apprehensions to which expression was given by previous speakers are imaginary. Really the object of the Government is to make an offence punishable in wholly objectionable matters, and, under this clause, they will be able to prosecute any author of an article in a newspaper or publisher of a book. But to meet that objection and to leave no room for doubt, I request the

[Major Nawab Ahmad Nawaz Khan.]

insertion of the word "objectionable" before the word "passage", so that the clause would read thus:

"Whoever publishes, circulates, or repeats in public any objectionable passage from a newspaper, etc."

Then there would be no ground for the objections raised by the Opposition that if the book contains some good and bad matter, even a good sentence may come within the operation of this clause. No doubt the Magistrate or the law-giver will understand the aim and object of this clause, but if the Law Member thinks it fit, he may improve the clause by adding that word "objectionable", and it will clear the whole position. (*An Honourable Member*: "Then move an amendment.")

**Mr. T. N. Ramakrishna Reddi**: I support the deletion of the whole clause. There is already a section in the Penal Code dealing with sedition and, as such, there is no necessity for introducing another clause in this Bill. The mischief of this clause has been admitted by the Government themselves in the report which the Select Committee have submitted on this Bill. Against clause 5 they say:

"We are impressed by the danger that persons who inadvertently repeat a passage not harmful in itself from a newspaper which has been declared to be forfeited may be exposed to the mischief of this clause. We have accordingly introduced by sub-clause (2) a provision which, we think, will be sufficient safeguard against this danger."

So, the Government themselves realise the mischievous nature of this clause, and, in order to remove that mischief, they have introduced sub-clause (2) which merely enhances and does not remove the mischief itself. It adds to the mischief. The sub-clause says:

"No Court shall take cognisance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated contains, in the opinion of the Local Government, seditious or other matter of the nature referred to in sub-section (1) of section 99-A of . . ."

Under the clause, as it originally stood, it was the Court which has to decide whether a particular passage under question is seditious or not, but here it comes with redoubled force before a Court with the certificate of the Government. It is the Government which have to certify that the particular passage is seditious and that it has been published. So everything has been certified by the Government and the Magistrate has to accept the certified opinion of the Local Government. Of course, I am not oblivious to the fact that sub-clause (2) was intended to remove the mischief created by sub-clause (1) which brings under the mischief of its all embracing scope every bit of published matter contained in the newspaper. Suppose a book contains very good matter in all other respects and only a portion of it is seditious. Then the whole book is proscribed by the Government. If a person reads or publishes or circulates or repeats any other passage which is not seditious, then, by clause 2, it is intended that the person should be excluded from the operation of this clause. So, in that respect, it improves the position, but, in other respects, it makes the mischief much more, because the Government, by issuing the certificate for prosecution, have already come to the conclusion that the particular passage comes under the scope of the clause and it has been published. So there is no necessity for this clause at all in this Bill as there is already a provision in the Penal Code. I support the deletion of the whole clause.

**Rao Bahadur B. L. Patil:** I rise to support the amendment for the deletion of this clause. My first objection to this clause is that it does not provide for an innocent publication. There may be people who do not know what particular books are proscribed by Government. They may publish innocently matters which they think to be innocent, and it would be unjust to prosecute and penalise such publications. That is my first objection to the drafting of the clause. I say it was the duty of the draftsman to include such an element in this clause. Then, generally books and publications are proscribed for three reasons, firstly, on the ground of sedition, secondly, on the ground of promoting hatred between communities, and, thirdly, for immoral or indecent matters contained therein. These are the main reasons why publications are proscribed in this country or in other countries, and I submit that in the existing law there are sufficient provisions, even drastic provisions, to bring to book all such publications. And yet this clause is enacted in such wide terms, that it will lead to injustice, instead of doing justice. One inevitable result would be that it will gag the press further, which is already gagged to the highest degree. Therefore, I support the amendment whole-heartedly. I should like to point out to the House that it is open to the Court and to the Government to prosecute and punish any person who publishes such matter if the particular passages or particular words come under the existing provisions of the law. I am afraid that the Honourable the Leader of the House might perhaps call this amendment also stupid or foolish; but as I honestly believe that this clause will lead to injustice and gag the liberties of the press, I am bold enough to support the amendment whole-heartedly.

**Mr. Amar Nath Dutt:** Apart from the objection to the enactment of a clause like this which I cannot support, I have my difficulty about the phraseology of the clause itself, and I shall point it out to the Treasury Benches. It is for them to explain, and it may be that they have got certain explanations. People who ordinarily have to appear before Magistrates whose knowledge of law is not far superior to our own who practise in humbler Courts—I think they will also be in a certain difficulty about this. The wording of the clause is as follows:

“Whoever publishes, circulates or repeats in public any passage from a newspaper, book or *other document*. . .”

It says, “*other document*”. Here my difficulty arises. The word “document” has been defined in section 29 of the Indian Penal Code, and there, of course, the word “printed” does not appear:

“The word ‘document’ denotes any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.”

“It is immaterial by what means or upon what substance the letters, figures or marks are formed or whether the evidence is intended for, or may be used in, a Court of Justice or not.”

This is Explanation No. 1. Then we have another Explanation No. 2 which says:

“Whatever is expressed by means of letters, figures or marks as explained by *mercantile* or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.”

[Mr. Amar Nath Dutt.]

Here we do not find the word "printed" at all. Now in section 99A of the Criminal Procedure Code as amended by the Legislative Assembly ten years ago, it says:

"Where any newspaper or book, as defined by the Press and Registration of Books Act, 1867, or any document wherever printed appears to the Local Government" and so on.

Here we not only make printed documents punishable, but also other documents of the nature of that defined in section 29 of the Indian Penal Code. Now the clause says:

"Whoever publishes or circulates or repeats in public any passage from a newspaper, book or other document."

So it is not confined to printed matters only. Now I would like to know whether they want to confine this only to printed documents or to every document which comes within the definition of section 29 of the Indian Penal Code. On this phraseology many of the lawyers appearing on different sides will place their interpretation according to the interests of their clients, but there is another gentleman, I mean the trying Magistrate, however estimable he may be, his knowledge of law, as I have said, is not much superior to that of the humbler advocates appearing before them. They will also find themselves in difficulty. They will have to cut the Gordian knot by convicting the accused. The days are not yet passed when "no conviction, no promotion" was the rule. That is still the rule. In fact they take pleasure in convicting a man whenever a man is produced before them. In fact, I remember an esteemed friend of mine, who once was a member of the bar, but who is now occupying a magisterial chair in some important place. Since he was appointed Deputy Magistrate, he found it difficult to believe that men brought before him for trial are innocent and he thought that only those people are prosecuted by the police who have committed some offence. This is the general mentality of Magistrates. That being so, it is better that the Honourable the Law Member sees his way to delete this clause in order to avoid the confusion arising from the definition of the two sections *viz.*, section 29 of the Indian Penal Code and section 99A of the Criminal Procedure Code. I beg to submit that considering the clumsiness of the drafting, if I may be permitted to use that word, this clause ought to be deleted.

**The Honourable Mr. H. G. Haig:** Sir, it has been suggested by Honourable Members opposite that there is really no necessity for this clause, that we have introduced it wantonly into the Bill, I suppose in order to make a display of our power. The provision, however, had a perfectly practical origin. Before the organised disobedience of the law was started in 1930, it was found, where there was a document of this kind which was proscribed by the Local Government, that the act of proscription was effective and that persons did not attempt to defy that order by publishing the proscribed matter. But, early in the first civil disobedience campaign, it became a regular practice that passages from proscribed books and documents were deliberately read out at public meetings in order to defy the law. It is not, therefore, as my Honourable friend, Mr. Ranga Iyer, suggests, that we are going out of our way to

present people with easy opportunities for breaking the law. The law was in fact being made ineffective and we have to stop this gap. When the clause was discussed in the Select Committee, an objection was raised, which we on the Government side felt to be a reasonable objection, that in the case of a newspaper, for instance, which might contain a great deal of perfectly harmless matter, it was undesirable that the clause should be expressed in such a way that technically, though of course in practice no such thing would happen, anybody who read out any passage from that proscribed newspaper would be committing an offence. We attempted to meet that difficulty by providing that no Court should take cognisance of an offence punishable under this clause unless the Local Government had certified that the passage, in the opinion of the Local Government, contained those very matters which justified the Local Government in proscribing the newspaper. In other words, we ensure in this way that no one would be prosecuted except for repeating a passage which was in fact the basis of the proscription by the Local Government: and that, Sir, I submit is a reasonable provision. It has been said that in fact the Magistrate will have very little to do in such cases. I quite admit it. This is really, in essence, an executive proceeding,—the proscription of a book or document. Now, in order to make that executive proceeding effective, one must provide that the publication of any portion of that book or document in defiance of the order should be punishable. All that it is required to prove is that the book has been proscribed and that it has been deliberately published or circulated. Now, we should defeat the whole object of this provision if we allowed cases of this kind to develop into a regular trial for sedition. If, in fact, it were sufficient to deal with these seditious publications by direct prosecution for sedition, then no one would make use of this proscription provision. It is the fact—and I frankly admit it—that this is an executive proceeding, which, if there is any defiance of it, has got to be completed and followed by a legal process. Now, Sir, I do not think that there is anything more I need say except to suggest that one Honourable Member opposite fastened on a phrase which is used in the Select Committee's Report about "being exposed to the mischief this clause", and on that, he suggested that we had ourselves admitted that the clause was mischievous. (Laughter.) Well, Sir, this phrase is one which my legal friends are very fond of,— "the mischief of the clause". Personally, not being a legal person, I should have preferred to use the word "scope", but they like "mischief" and I cannot argue with them or attempt to alter their legal phraseology. (Laughter.) But, Sir, this in fact is a very necessary and un-mischievous clause. I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That clause 5 of the Bill be omitted."

The motion was negatived.

**Mr. S. C. Mitra**: Sir, I move:

"That in sub-clause (1) of clause 5 of the Bill, after the word 'Whoever' the words 'with malicious intention' be inserted."

Sir, I am conscious that down the list there is an amendment of my friend, Mr. Anklesaria, which is a more comprehensive one. Yet I move my amendment with the idea that, being a minor thing, it may be accepted.

[Mr. S. C. Mitra.]

Sir, I am conscious that so far as clause 2 was concerned, a similar amendment was moved by me and I have tried carefully to follow the objections raised by the Honourable the Leader of the House. Sir, I have got the greatest regard for his legal acumen and his vast experience, but yet I move my amendment. I shall explain my reason later on. No one would have been more glad than ourselves had he been the Chief Justice of Bengal administering justice, but here he is rather to flout the Opposition. So I must move my amendment.

Sir, the objection of the Honourable the Leader of the House to a similar amendment regarding clause 2 was that we wanted to make a wrong of absolute liability into an intentional wrong. That is quite correct. That is my intention. I do not like that anybody, who might be quoting from one of the newspapers not knowing that he is committing any offence, should be hauled up before a Court of justice. I want to make it an intentional wrong and not an absolute liability. Then, his second point was that it would make nonsense of that clause. He argued it in this way: because "maliciously" in a legal sense implies an intention to do an act which is wrongful and to the detriment of another. I think the same objection cannot be raised here because there is no such word as "dissuade" here. It is certainly that it must be proved that it is to the detriment of the State. Then, his third objection was about the onus of proving the malice,—that it will transfer the onus of proving malice on the prosecution. Sir, I plead guilty. I do want that the onus should be on the Government to show that the passage that was published was seditious as coming under any one of these clauses. His fourth objection was that the word "maliciously" is a misleading word. Here I shall follow his example and quote from the same authorities to show that it is really not so misleading as he thought it to be. Before doing so, however, I should like to refer to his view that the word "maliciously" is seldom used by draftsmen now-a-days, and that it is to be found in old books only. Sir, we remember that there are many clauses in the Indian Penal Code where the word appears, and, even in the amendments of section 153-A, the word "maliciously" is used, but apart from that I remember being a Member of this House that we enacted, as late as 1927, section 295A where we used the words "whoever with the deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects by words either spoken or written", and so on. So the word is not so misleading as the Honourable the Law Member thought it to be. Then, as regards Stroud himself in his Judicial Dictionary there is a reference to a judgment which is often quoted:

"The terms 'maliciously, wrongfully and injure' are words all of which have accurate meanings well known to the law, but they have also a popular and less precise signification. An intent to injure means, in strictness, more than an intent to harm. It connotes an intent to do a wrongful harm. 'Maliciously' in like manner means and implies an intention to do an act which is wrongful to the detriment of another."

This judgment of Bowen, Lord Justice, was quoted with approval by Lord Watson who was leading the majority in the famous House of Lords case of *Allen vs. Flood* which, I think, is read even in law classes. Then he has quoted Lord Blackburn:

"Where any person wilfully does an act, he does it maliciously"

Then he has quoted a number of authorities. So, the word "maliciously" is certainly not so misleading as the Law Member thinks it to be. Wharton's Law Lexicon, on page 534, says this about Malice:

"Malice in common acceptance means ill-will against a person, but in its legal sense it means a wrongful act done intentionally without just cause or excuse."

So, it is not at all difficult to find the meaning of this word nor is it the fact that it has not been used recently. Of course, the predecessor of the Honourable the Law Member, the late lamented Mr. S. R. Das, used the term in 1927 and he himself might not have thought it good draftsmanship to use this word, but it is certainly not a word that is unknown in legal phraseology. My purpose, as I have said, is that I want to put this that this offence should be done intentionally and wilfully and with the intent to detriment the interests of the State. I would like to make that point clear. The proscription of a book may be declared even by Local Governments. Suppose a man from Bengal unwittingly quotes something. He is not expected to read all the Gazettes of all the Local Governments. Even then, as the Law Member rightly said, he cannot get rid of an absolute liability. So, in these cases, I want that the intention should be clearly proved and that the onus should be on the Government.

**Mr. President:** Amendment moved:

"That in sub-clause (1) of the Bill, after the word 'Whoever' the words 'with malicious intention' be inserted."

**The Honourable Sir Brojendra Mitter:** Sir, it gave me great pleasure to hear my Honourable friend, Mr. Mitra's speech on this amendment. He was absolutely frank as to what he wanted. He said he wanted to make this offence an intentional wrong and, secondly, he wanted to throw the onus of proving malicious intent on the Government. Sir, my answer is this. If my friend's objects were achieved, then the whole of the policy behind this clause would be frustrated. Sir, forfeiture, as my Honourable colleague, the Home Member, said a few minutes ago, is an executive act, but it is an executive act which is subject to judicial revision. If Honourable Members would turn to section 99B of the Criminal Procedure Code, they will find that it provides:

"Any person having any interest in any newspaper, book or other document in respect of which an order of forfeiture has been made under section 99-A, may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the issue of the newspaper or the book or other document in respect of which the order was made did not contain any seditious or other matter of such a nature as is referred to in sub section (1) of section 99-A."

It means this that an order of forfeiture may be challenged in the High Court. And, if the order of forfeiture has been improperly made, then the High Court can set aside the order. Now, all that is there. In clause 5, we are proceeding from the point when the order of forfeiture is an operative order, that is to say, when the order of forfeiture has not been set aside. It stands. Now, Sir, from that very fact, the inference can be legitimately drawn that the order of forfeiture is a proper order and what has been declared to be forfeited to His Majesty is objectionable matter. If you start from that position, is not, then, a repetition of the objectionable matter a double wrong? First of all, an objectionable matter is forfeited. Then, you go out of your way to repeat that objectionable



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matter. Sir, on ordinary principles that ought to be a matter of absolute liability and not an intentional wrong imposing upon the Government to prove the intention over again when that intention Government would have been bound to prove if the order of forfeiture had been challenged. Indeed, the fact that an order of forfeiture is an operative order means this that the persons affected either did not want to challenge that order or were unsuccessful. Therefore, the order of forfeiture being there, the forfeited publication ought not to be in the hands of any citizen, far less to be further published by a repetition of the objectionable matter. If you introduce the element of malicious intention into this offence, then you are calling upon the Government to prove that which the Government at an early stage could have been compelled to prove but which you did not want the Government to prove. In this connection, I wish to draw the attention of the House to a passage in a standard book on Criminal Law. It is Mayne's Criminal Law. I do not think even my Honourable friend, Mr. Amar Nath Dutt, will challenge the authority of this book. Mayne says this:

"There is, however, a large and growing class of statutory offences, where acts previously innocent are forbidden, or acts previously optional are commanded, simply because the State considers such legislation necessary for its own interests, or for the protection of some particular class of the community. Here the object of the State is merely to compel the adoption of a particular line of conduct, and the penalties that are imposed are intended, not for punishment, but for prevention, as the only means which the State has at its disposal for the enforcement of its laws. Now, in regard to such cases, questions have frequently arisen, whether a person is punishable under the Statute, when he has violated its provisions in ignorance of the fact on which the violation depends."

Further on, he goes on to say:

"It is now, however, settled that the true test is, to look at the object of each Act that is under consideration, to see how far knowledge is of the essence of the offence created.....In arriving at this decision, it has been held material to inquire whether the object of the statute would be frustrated, if proof of such knowledge was necessary."

My submission is that if you introduce the element of intention into this clause, then the whole object of this executive action would be frustrated. That executive order is liable to be revised. If

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it is not revised by the High Court and the executive order stands, what reason is there that Government should be compelled to go before the Court and prove that the matter is seditious, or prove that the matter is objectionable in any other way? That will frustrate the very object of prompt executive action which underlies this clause.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I do not wish to say very much about this clause. The Honourable the Law Member said that the question of intention cannot be brought into this, because it is a question of executive action and the question of intention should not be brought in. But may I be permitted to refer to the report of the Select Committee on this point? They say:

"We are impressed by the danger that persons who inadvertently repeat a passage" etc.

Does not that bring in the question of intention, inadvertently as opposed to intentionally? Therefore, both the Home Member and the Law Member have the question of intention before them, and how did

they bring it? An order of forfeiture may be made by any Local Government in India. It may be made by the Bombay Government or the Madras Government, but we in Bengal will have no knowledge and no idea that such and such an order has been made. Therefore, the question arises that there should be an element of intention in this matter. To remove that danger, the Law Member and the Home Member have been kind enough to insert that *Explanation* and they give their reasons why that *Explanation* has been inserted. I, therefore, think some words should be added showing that the mischief has been done intentionally.

**The Honourable Mr. H. G. Haig:** Sir, with reference to the point which has just been made by my friend, Mr. Sen, I would call the attention of the House to the fact that the Select Committee said that they were "impressed by the danger of persons who inadvertently repeat a passage not harmful in itself"; that is to say, in the case of a newspaper where there is an objectionable article and there is much other matter which is wholly unobjectionable, a passage might be quoted from a perfectly unobjectionable article and technically, as I said just now, technically that might be an offence unless it were guarded in this way by sub-clause (2). But we never intended, and we never said, that it should be necessary in the case of harmful material that intention should be proved, because the intention can, I think, be presumed. Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 5 of the Bill, after the word 'Whoever' the words 'with malicious intention' be inserted."

The motion was negatived.

**Mr. Lalchand Navalrai:** Sir, I find that an amendment like that of mine has been included in the list of which notice has been given by Mr. Ankiesaria. And as it is more comprehensive than mine, I will not move my amendment,\* and I will support this one.

**Mr. S. C. Sen:** Sir, I beg to move:

"That in sub-clause (1) of clause 5 of the Bill, after the words 'repeats in public any passage' the following be inserted:

'containing seditious or other matters of the nature referred to in sub-section (1) of section 99-A, of the Code of Criminal Procedure, 1898, or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931.'"

I have also given notice of another amendment which I will move if this one is passed, namely, that sub-clause (2) should be omitted.

Sir, my object in moving this amendment is to make it clear that instead of the Local Government the Court shall have the right to declare whether the passage read comes within the purview of sedition, etc. There is also another reason why I am moving this amendment here. You will find that under clause 5, if it stood alone, the only point which would have been relevant to the inquiry before the Magistrate would have been the 'publication, and the publication from a forfeited document. It was

\*"That in sub-clause (1) of clause 5 of the Bill, after the word 'Whoever' the words 'knowingly' be inserted."

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pointed out in the Select Committee that a forfeited document, a magazine for instance, may contain various useful contributions and may also contain seditious matter. And, therefore, with regard to those matters with which no fault can be found, I should not be debarred from referring to them. The Honourable the Home Member and the Honourable the Law Member accepted our view and they put in this sub-clause (2). They say in their report:

"We are impressed by the danger that persons, who inadvertently repeat a passage not harmful in itself from a newspaper which has been declared to be forfeited, may be exposed to the mischief of this clause. We have accordingly introduced by sub-clause (2) a provision which we think will be sufficient safeguard against this danger."

The whole question now is whether that is a sufficient provision against the danger, the reason or the object being the same. The object is to limit this clause to the case of seditious passages. My amendment is also to the same effect, but I want to make it clear that the two points which will be before the Magistrate will be decided by the Magistrate and not be precluded by the certificate to be given by the Local Government. If once it is admitted that only seditious matter should be dealt with under this clause, I do not see why Government should object to the amendment which I have moved.

Now, Sir, taking sub-clause (2), it comes to this that no Court shall take cognisance of an offence punishable under this clause unless the Local Government certifies that the passage published is seditious, etc. What is the evidence before the Local Government that the passage has been published by the person against whom they are proceeding? As regards the question whether it is seditious or not, we may leave it to the Local Government. They may take legal opinion and declare that the passage which the police or the other reporter produces before them is seditious or otherwise. But where is the evidence before them to show that the passage which they have declared to be seditious is the passage which I have read or quoted. I cannot make them masters of the factum that that particular passage has been published. I want that to be clear and that that point should be decided by the Magistrate. Now, the certificate of the Local Government would run like this:

"We are of opinion that the passage read by such and such person on such and such date is seditious."

That would be the position. Probably they will not go into the passages or quote the passages themselves. According to the nature of the certificate which we are accustomed to get from Local Governments in this matter, I can say that would be the position. Then the matter will come up before the Court. I do not know whether, after that certificate, I shall be entitled to raise the point that I have not published those passages. Assuming that the Court comes to my conclusion and says: "Yes, you are entitled to raise that point", and the Court comes to the conclusion that those passages which have been declared by the Local Government to be seditious were not read, what would be the position of this certificate? The Court has taken cognisance of the matter, because there is a certificate to the effect that the matter comes within the mischief of the section, but what would be the result? The Court having taken cognisance, will say: "We have taken cognisance and, therefore, we are entitled to proceed with the case". And what would be the matter before the Court? Not

whether it is seditious, but the only matter will be whether the passage has been read from that particular book, and not whether the passage is seditious or not. To get rid of all these doubts and difficulties, I have moved this amendment, the object being the same, namely, that I shall be punished only for uttering seditious matter at a public place. If that is not so, then what is the object of this clause? With these words, I move my amendment.

**Mr. T. N. Ramakrishna Reddi:** Sir, the Government themselves have recognised the all-embracing nature of sub-clause (1) of clause 5. That is why they have stated in their minute that they are impressed with the danger that persons, inadvertently repeating a passage, not harmful by itself, from a newspaper which has been proscribed, may be exposed to the mischief of this clause. That is why they have introduced sub-clause (2) to remove that misapprehension. Now, my friend, Mr. Sen, has given notice of an amendment to the same effect. The House has to see which amendment is reasonable and proper. If sub-clause (1) stood by itself without the amendment, then the meaning would be that if a person has read any passage from a newspaper, book or document which has been proscribed, though that passage by itself might be very innocent and not seditious, even then he comes under the mischief of this clause. That means that the whole book might be proscribed on account of a particular small passage in one corner of it, although the rest of the matter contained in the book might be quite innocent and might not come under this clause at all; but the Government finding that a particular passage in that book is objectionable have proscribed the whole book. An innocent man like myself might read a passage which by itself is not seditious, but my only offence is that I have read from a book which has been proscribed. So the Government have recognised the mischief which this clause is intended to deal with, and that is why they have introduced sub-clause (2). In order to remove that mischief, my friend, Mr. Sen, has proposed an amendment which can be understood by anybody, because it is in plain English language, and I do not see any reason why the Government should not accept it. My friend says:

"whoever publishes, circulates or repeats any passage containing seditious or other matter coming under this section from a newspaper", etc.

This is quite plain English, and so there is no necessity, if you accept this amendment, for putting sub-clause (2) on the Statute-book. This is exactly what the Government want to remove by enacting sub-clause (2) and my friend's amendment meets the object they have in view. It might be pointed out, Sir, that by enacting sub-clause (2), there is this complication. Here the Government say:

"No Court shall take cognisance of an offence unless the Local Government has certified."

In this case, the prosecution comes with redoubled force of a Government behind its back. And what do the Government do? The Government say that the passage is seditious, it has been read. It comes with a double certification, and then our Magistrates, as they are, will certainly accept the Government version, and with very little evidence they will dispose of the whole matter and convict the accused. Whereas, if my friend, Mr. Sen's amendment is accepted, then the prosecution will have to prove two things, that the particular passage read from the book is by itself

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sedition, and that that particular passage has been read. These are the two things they will have to prove now without this sub-clause (2). Now, with sub-clause (2), the Government have themselves expressed the opinion, and the Court will say that the particular passage has been read and the onus is thrown upon the defence to prove that he has not read that particular passage. That is the difference between the amendment of my friend, Mr. Sen, and the amendment proposed by the Government. Therefore, I have no hesitation in accepting the amendment proposed by Mr. Sen.

**Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): Sir, I support the amendment of my friend, Mr. Sen, more especially as I believe that in moving the amendment he is trying to undo the mischief which he himself did in the Select Committee. My friend was himself the author of what I should now call as an absurd sub-clause, absurd not only from the popular point of view, but absurd also from the point of view of Government themselves. I take it that the Government want to punish not the seditious nature of the *publication*, because for that we have got section 124 of the Indian Penal Code punishable with transportation for life, but I take it that the object of the Government is to punish the *repetition* of the objectionable matter. As the sub-clause is worded, it appears to me far from being a protection to the innocent, it is a trap to the unwary, because a passage which is repeated quite inadvertently and quite innocently by a person is sought to be made objectionable, when it is supported by the opinion of the Local Government under this sub-clause (2). A person repeats a passage from a proscribed document. Up to the point of repetition, he has not committed any offence according to sub-clause (2). But directly the sub-inspector gets hold of him and reports the matter to the authorities and gets the opinion of the Local Government saying that the passage repeated is seditious, the person who has repeated it would be prosecuted. Now, I say, at the moment the man was repeating the passage, he was perfectly innocent and could not be prosecuted, because, *ex hypothesi*, the passage was unobjectionable, but he could be prosecuted only after the Local Government had decided to call that passage objectionable. Then, again, there is this difficulty. Supposing a document has been proscribed in Madras and it is repeated in the Punjab, it is quite possible that the passage which may not have appeared objectionable to the Madras Government may appear to be objectionable to the Punjab Government. In this state of affairs, we have got a conflict of two authorities. I do not say that it will occur ordinarily, but I submit there is that legal objection. It is a valid objection for, according to jurists, all law should avoid conflict. These are the few remarks which I wanted to address in support of the amendment.

**Mr. Lalchand Navalrai**: As the clause stands, it appears to me that there are two issues involved in it. One is, whether the book or other document, which has been declared to be forfeited, has been published, circulated or repeated, and the second is, whether what has been circulated or repeated or published, is seditious. These are the two issues which ought to be in a judicial trial before a Magistrate. What is attempted here by sub-clause (2) is that one issue should be decided by the Magistrate

and the other is to be decided by the executive. Under this Explanation, when the case comes before the Court, it will have been already decided by the Government that the passage in question is seditious, and the Magistrate is simply to take judicial notice of that fact, and to satisfy himself merely whether that passage has been published or repeated by the man or not. These two issues as a rule have to be decided on evidence judicially taken before a Court. Then, why should the main issue be decided by the executive and the rest be left to the Magistrate? It is claimed that the seditious character of the passage should be decided by the executive. I cannot understand the logic of that argument. When the Government are the complainant,—the Crown being in charge of such cases,—the complainant himself will decide the main issue regarding its seditious character, and then come before the Court! Does that appeal to reason, does that appeal to common sense, does that appeal to any judicial standard as to how cases should be decided? Section 124A of the Indian Penal Code is the main section for sedition. "Whoever causes hatred towards Government and publishes by representation or by words anything which causes hatred towards Government, etc.", is seditious. Under section 124A, that issue, whether a particular thing uttered or represented is seditious or not, is left to the Court, and, therefore I do not see why there should be any difference at all. It will be only right that both these issues should be decided by the Court. On these grounds, I support this amendment.

**The Honourable Sir Brojendra Mitter:** The reason underlying the amendment is that the adjudication should be by a judicial officer. In this debate the distinction between executive action and judicial adjudication, and the circumstances in which executive action or judicial adjudication is more appropriate, have been ignored. There are circumstances in which executive action is the proper machinery; there are other circumstances in which judicial adjudication is the proper machinery. In this connection I shall read a passage from a judgment of a very great Judge, Sir Lawrence Jenkins, in which he has dealt with this aspect. He says this:

"I have said that the ability to pronounce on the wisdom or unwisdom of executive action has been withheld from the Courts. There was good reason for this. Courts of law can only move on defined lines, and acting on information brought before them under limited conditions. It is not so with the executive authority. It would be paralysed if it had to observe the restrictions placed on the Courts. Its action can be prompted by information derived from sources not open to the Courts, and based on considerations forbidden to them. It can be moved by impressions and personal experiences to which no expression can be given in a Court of law, but which may be a very potent incentive to executive action. The Government may be in possession of information which it would be impossible to disclose in a Court of law, and yet obviously requiring immediate action. Therefore, jurisdiction to pronounce on the wisdom or unwisdom of executive action has been withheld and rightly withheld."

Now, Sir, here is a clause which deals with executive action and in which pronouncing on the wisdom or unwisdom of such executive action is rightly withheld from the Courts for the reasons which Sir Lawrence Jenkins has given in his own felicitous language. It is quite clear that in clause 5 we intend that the executive order of forfeiture, which is always subject to judicial revision, should be enforced. It will be an executive action. My Honourable friend, Mr. Sen, in his own subtle way has discovered doubts and difficulties which are not there. He asks, what is the offensive

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passage, how is the accused to know for the repetition of what passage he is being prosecuted? There is no ambiguity and no difficulty. Under sub-clause (1) of clause 5, prosecution may be launched for repetition of any passage from a newspaper, book, etc. Then, in sub-clause (2), it is said that no Court shall take cognisance of an offence unless the Local Government has certified that the passage published is seditious. Therefore, the passage published refers back to clause 1, that is to say, the passage for which the accused is being prosecuted. Where is the ambiguity? The Local Government has to certify the passage.

**Mr. S. C. Sen:** May I interrupt the Law Member. Under clause 1, the Court will not have to enter into the question as to what passage has been read so long as it is proved that the passage is from a proscribed book.

**The Honourable Sir Brojendra Mitter:** That is precisely the point I was meeting. What I say is this. A prosecution cannot be launched without a certificate from the Government. Very well. In that certificate the whole passage is set out—the objectionable passage. That is the first step in the prosecution. Now, the certificate removes the bar to the prosecution. Then, armed with that certificate, the prosecuting counsel comes before the Court and he says I am prosecuting this person for repeating this passage which is covered by my certificate. No other passage can form the basis of a prosecution. It is only that passage which is covered by the certificate which can be the basis of a prosecution. That being so, where is the difficulty in knowing for what passage the person is being prosecuted? Although clause 2 comes after clause 1, it refers back to clause 1. That is, the certificate refers to the offending passage and then the prosecution is launched on the basis of that offending passage. The offending passage is known to the accused. Sir, there is no doubt or difficulty.

**Mr. S. C. Sen:** What I say is this. The local Government has no knowledge as to what passage may have been read. They can only get that information from the person who was present at the meeting. Upon the basis of that information they certify. My point was that there is nothing given to me to show that the passage which the Local Government has certified is not the passage which I have read.

**The Honourable Sir Brojendra Mitter:** I hope I am not doing an injustice to my friend, Mr. Sen. If I understand him correctly, he means this that the certificate may mention a particular passage, but the prosecution may be based on some other passage. That may be one meaning. Another meaning may be this, that the Local Government upon information certifies that the particular passage which is reported to it to have been repeated is objectionable. Now, upon that certificate a person is prosecuted. The defence is: "I did not repeat that passage. I repeated some other passage." If that be the defence and if that defence be established, the prosecution must fail. Sir, it is the duty of the prosecution to prove that the offending passage was repeated. Otherwise the certificate has no value. The onus is upon the prosecution. The prosecution may not be able to prove that the passage in the certificate

was the passage repeated. If that happens, then the prosecution fails. The defence may be able to prove that the passage alleged by the prosecution was not repeated, but some other passage was repeated. In that event the prosecution is bound to fail, because there is no certificate covering the passage which was the basis of the prosecution. Sir, I do not see where any doubt or difficulty arises, where there is any risk. The whole onus of proving the offending passage being on the prosecution, the accused could sit there with folded hands and see that the prosecution does prove its case.

Then, Sir, the next point with which I need deal is Mr. Anklesaria's point. As I understand him, he said that under clause 1, when a person repeats an offending passage, no offence is committed. He said, it is only under clause 2 when there is a certificate that the offence is complete. I think there is a confusion of thought. The offence is committed the moment the offending passage is repeated, but there may not be a prosecution for that offence till the bar is removed by a certificate. The certificate is nothing more or less than lifting the bar to a prosecution.

**Mr. N. N. Anklesaria:** May I know what happens if the Government, who have to declare the passage as seditious or objectionable, do not declare the passage. The man reads the passage from a proscribed book. You say he commits an offence immediately. My point was, he becomes criminal directly the Local Government declares the passage to be objectionable.

**The Honourable Sir Brojendra Mitter:** The confusion is this, if the passage is harmless, then there is no question. No offence has been committed.

**Mr. N. N. Anklesaria:** Suppose the Local Government declares it objectionable although it is harmless?

**The Honourable Sir Brojendra Mitter:** I am on the point whether the passage is intrinsically harmful or not harmful. If it is not harmful, no offence is committed. If it is harmful, it may be given in a certificate or it may not be given in a certificate, but that certificate has got no bearing upon the commission of the offence. The offence is committed the moment the objectionable passage is repeated. The commission of the offence is one thing and prosecution for the offence is different thing. The offence may have been committed. It may be a venial offence and Government may not think it worth while to prosecute a person for repeating an objectionable passage, but if the Government want to prosecute, then a certificate must be given. Therefore, the grant of the certificate has no bearing upon the commission of the offence. The offence is completed by the repetition, but the prosecution cannot be started without the certificate. I cannot see the difficulty. Under the Criminal Procedure Code, as every lawyer friend of mine in this House knows, there are many offences for which previous sanction must be obtained before a prosecution can be started. The absence of the sanction does not mean non-commission of the offence or non-completion of the offence. Sanction merely removes a bar to the prosecution. Therefore, my submission is: this, that ambiguity there is none, because the certificate contemplates setting out the offending passage on the basis of which the publication was proscribed. Now, that certificate when given enables a prosecution to be started, and, in the prosecution, the Government will have to prove that the accused did repeat that offending passage which is



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covered by the certificate. When that onus is discharged, the Magistrate has no other duty with regard to the offending passage, whether it is seditious or not seditious. Sir, that is the position which Sir Lawrence Jenkins, in the judgment I cited, pointed out. The right of adjudication has been withheld from the Courts. That right has been given to the executive authorities. The executive action is based upon executive judgment, which, I repeat, is subject to judicial scrutiny under section 99B: but once the executive action is taken, then the prosecution under clause 5 will be more or less, the implementing of the executive action, or rather enforcing or making effective the order of forfeiture. It is nothing more nor less than making an order of forfeiture effective, and no judicial adjudication comes in here at all.

**Rao Bahadur B. L. Patil:** Sir, after hearing the lengthy explanation and argument of the Honourable the Law Member, my doubts still remain. His argument was this,—that the Local Government will certify that a particular passage is seditious. Then the bar to prosecution goes, and the prosecution may commence. But, in my humble opinion, the words as they are in sub-clause (2) will make the Court think that the Government can certify, not only that the passage is seditious, but that it is repeated. I am afraid the Court would be likely to construe the sub-clause as meaning that it is in the power of the Government not only to certify that the words are seditious, but that the words are repeated.

**The Honourable Sir Brojendra Mitter:** No, Sir. That will have to be proved by the prosecution under this clause.

**Rao Bahadur B. L. Patil:** In my humble opinion, however, Sir, unless there are such words "alleged to be repeated" or "alleged to have been repeated", the Court is likely to construe that it is in the power of the Local Government not only to certify that the passage is seditious, but that the passage is repeated, and then the Court will think that its duty will be only to pass a judgment in the case.

**The Honourable Mr. H. G. Haig:** I need not add anything, Sir, to the very full exposition of the law given by my Honourable colleague, the Law Member. In regard to the point raised just now by my Honourable friend, Rao Bahadur Patil, the Honourable the Law Member has given it as his definite opinion that under the clause, as drafted, it will be obligatory on the prosecution to prove that the particular passage was published, circulated or repeated, and I am content to accept his opinion.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 5 of the Bill, after the words 'repeats in public any passage' the following be inserted:

'containing seditious or other matters of the nature referred to in sub-section (1) of section 99-A. of the Code of Criminal Procedure, 1898, or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931.'"

The motion was negatived.

**Mr. S. C. Mitra:** Sir, I move:

“That in sub-clause (2) of clause 5 of the Bill, the word ‘newspaper’ be omitted.”

Sir, so far as the legal explanation is concerned, I think I have tried to follow the Honourable the Law Member's interpretation, but my difficulty about the procedure is this. The clause says:

“Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited.”

Now, it is not binding on the Government, in declaring copies to be forfeited, to point out the particular passage in the newspaper to which they take exception. As I have tried to explain, in supporting the motion for deletion, in regard to a newspaper, there is a great difficulty, because a particular copy of a newspaper deals with varied subjects having no connection whatsoever with each other. It not being binding on the Government to say what particular article or what particular paragraph they are taking exception to, how can the ordinary man in the street read into the mind of the Government and know that Government consider a particular passage or a particular item in a particular issue of a newspaper to be objectionable? I can well understand if there is anything binding on the Government to say, whenever they forfeit any copy of a newspaper, to point out that this, for instance, is the particular passage for which the whole copy is forfeited. Then the further difficulty is, that a Local Government in a particular place may declare a particular copy forfeited. Now, another man from another province, not even knowing of it, may quote a particular passage that may happen to appear in that newspaper. The liability being absolute, the accused person cannot plead that he did not know. So I urge that at least from this clause the word “newspaper” might be omitted. That is the least that Government should do, or Government should declare here and now that in forfeiting any copies of a newspaper they will definitely say to what particular passages they are taking exception. Sir, unless some such provision is embodied, this clause will lead to an enormous harm to the public and to newspapers. Sir, I move my amendment.

**The Honourable Mr. H. G. Haig:** Sir, I think my Honourable friend, Mr. Mitra, would be the first to recognize that if we accepted this amendment, it would very seriously weaken the clause or, as he himself would express it, would mitigate the rigors of the Bill. If it were permissible for anybody who wanted to repeat a proscribed passage from a book merely to get that passage reproduced in a newspaper and then to be free of any prosecution, the whole object of this clause would be defeated. Well, Sir, my Honourable friend makes the point that the newspaper-reading public may be unaware which particular article the Government have in mind when an issue of a newspaper is proscribed. My own belief is that, normally, the Government would indicate the article to which objection had been taken. I can illustrate by a very recent case which has been the subject of a good deal of comment during this very debate, the case in which the Bombay Government—though I admit it was rather a different case—took action against the *Free Press Journal*. Certainly, in that case, when taking action against the newspaper under the Ordinance, they did specify the particular article to which objection was taken. In any case, I think that when an ordinary member of the public is aware, as we must assume that he is aware, that a

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particular issue of a newspaper has been proscribed, he will be more than usually careful in the quotations that he makes from that particular issue of the newspaper. And, if he is reasonably careful, he may be quite sure that he will not inadvertently repeat a passage which, in fact, is seditious.

Sir, I oppose the amendment.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The question is:

"That in sub-clause (1) of clause 5 of the Bill, the word 'newspaper' be omitted."

The motion was negatived.

## RESOLUTION RE TRADE AGREEMENT SIGNED AT OTTAWA.

### PRESENTATION OF THE REPORT OF THE SPECIAL COMMITTEE.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Before adjourning the House, I should like to call upon the Commerce Member to place the report of the Ottawa Committee before the House.

**The Honourable Sir Joseph Bhoré** (Member for Commerce and Railways): Sir, I present the report\* of the Committee appointed by the House to examine and report on the Ottawa Agreement. This Report also includes a separate Report by three members of the Committee and also individual notes by some of us.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th November, 1932.

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\*Published in Part I of the Gazette of India, dated the 3rd December, 1932 (*vide* pages 1304—25).











